BEYOND THE REVOLVING DOOR: A NEW RESPONSE TO CHRONIC OFFENDERS

REPORT OF THE STREET CRIME WORKING GROUP TO THE JUSTICE REVIEW TASK FORCE

DOC
BC
J877
D:B4
2005
c.3

BC Justice Review
Task Force

LEGISLATIVE LIBRARY [illegible]
VICTORIA, BC [illegible] OCT 12 2005

LEGISLATIVE LIBRARY OF BRITISH COLUMBIA
3 3298 00299 0431

To: Members of the Justice Review Task Force

In March, 2004, the Attorney General of British Columbia announced that the Street Crime Working Group would inquire into street crime in the downtown core of Vancouver and report back to Justice Review Task Force within one year.

Street crime in Vancouver emerges from a complex set of factors, many of which are related to social and health problems. In the course of our work, we came to realize that the public is concerned not only about criminal acts, but by disorderly conduct as well. We also learned that the issues of street crime can not be addressed by the justice system in isolation from other key partners, especially health services and the community itself. Failure to change our current approach will cause a continued decrease in the quality of life in Vancouver and a further erosion of confidence in the justice system.

We recommend a new approach to these problems in Vancouver, an approach designed to break down barriers of practice and silos of information that have kept us from responding as effectively as we can to those who commit street crime and disorderly acts.

We hereby submit our report and recommendations.

Elisabeth A.L. Burgess, Q.C.
Chair of the Street Crime Working Group

Honourable Chief Judge Carol C. Baird Ellan
Honourable Judge William Kitchen
Honourable Judge Hugh Stansfield
Peter Leask, Q.C.
Ian Donaldson, Q.C.
Isobel Donovan
Inspector Valerie Harrison
Robert Watts
Mike White
Daniel L. Mulligan
Alan Markwart
Martha Devlin
Heather Hay
David Winkler, Q.C.

Table of Contents

Acknowledgements 1
Street Crime Working Group Members 3
Danny's Story 5
Executive Summary 9
Recommendations 13
Street Crime Working Group Report 19

Introduction 19
Purpose of the Street Crime Working Group 19
Background – *Street Crime Working Group* 20
What the Working Group did 20

What Is The Problem? 21
Crime: a snapshot of Canada, British Columbia, & Vancouver 21
How does crime affect the public? 22
What is street crime & disorderly behaviour 23
What kind of street crime & disorderly behaviour occurs in Vancouver? 24
What crime and behaviour are of particular concern in Vancouver? 26
What causes these problems in Vancouver specifically? 30
What do we know about the people committing these crimes 33
How systems respond to street crime & how effective are the responses? 36

What Can Be Done? 37
A criminal justice system with a focus on the community 37
Recommendation 42
Assessing and responding to the causes of crime 42
Recommendation 44
Increasing integration of the criminal justice system with health and social service 45
Recommendation 47
Changing how courts respond to Street Crime and chronic offenders 48
Recommendation 50
Implementing the changes 51
Recommendation 52

Conclusion 52

Appendix A – Needs Assessment 55
Appendix B – Literature Review 89
End Notes 127

Acknowledgements

The members of the Street Crime Working Group are grateful for the participation of many members of the public who freely and candidly gave us their views on street crime and disorderly behaviour, and assisted us in developing our recommendations. This includes representatives from the business community, residents of the downtown core, Aboriginal people, seniors, gay and lesbian people, people with mental illnesses, drug addicted offenders, chronic offenders, sex trade workers, youth, service providers and criminal justice system personnel.

Our work was greatly assisted by Julius Lang, Director of National Technical Assistance from the Center for Court Innovation in New York. Mr. Lang brought to the Working Group his experience from a number of other countries where he has been involved in developing innovative justice responses to similar problems.

We are also grateful to those who worked behind the scenes to provide the Working Group with the information it required in order to develop the report and recommendations. These people collected and analyzed data, reviewed the relevant literature, organized public consultations, assisted in the preparation of the report itself and generally provided support to the Working Group. For many of these people it was part of their jobs, but their enthusiastic dedication in the face of obstacles was vital to the completion of this report.

Specifically, we would like to thank Dr. Jacquelyn Nelson, Sherri Lee and Darrion Campbell of the Criminal Justice Reform Office, Ministry of Attorney General, for the work on the needs analysis, literature review and contribution to this report. We also thank Jeanette Cheung, Krista Kitson, and Peter Gajdics of the Criminal Justice Reform Office for their patience and efficiency in putting this report together. We thank those who helped with the daunting task of collecting data about the justice system: Tricia Ratel and Trevor Aarbo from the Corrections Branch, Tammy Chatten and Dan Chiddell from the Court Services Branch, Reg Dumont from the Criminal Justice Branch, Tim Webber and Keith Barnard from the Ministry for Children and Family Development, Liz Roberts from the Motivation, Power and Achievement Society, and Heather Wilson, Inspector Ken Frail, Inspector Daryl Wiebe and Detective Paul Bittante from the Vancouver Police Department. Finally, the Working Group thanks Debbie Granger, Crown Counsel from the Criminal Justice Reform Office for her energy, enthusiasm and dedication to this project.

Elisabeth A.L. Burgess, Q.C.
Vancouver, British Columbia
March 31, 2005

Street Crime Working Group Members

Elisabeth A.L. Burgess, Q.C.
Executive Director, Criminal Justice Reform Office, Ministry of Attorney General, and Chair to the Street Crime Working Group

Honourable Chief Judge Carol C. Baird Ellan
Provincial Court of British Columbia

Honourable Judge William Kitchen
Provincial Court of British Columbia

Honourable Judge Hugh Stansfield
Provincial Court of British Columbia

Peter Leask, Q.C.
Canadian Bar Association

Ian Donaldson, Q.C.
Law Society of B.C

Heather Hay
Director, Vancouver Community Health Services
Vancouver Coastal Health Authority

Isobel Donovan
Executive Coordinator, Vancouver Agreement

Martha Devlin
Deputy Director, Federal Prosecution Service in British Columbia, Department of Justice

Alan Markwart
Assistant Deputy Minister, Provincial Services
Ministry for Children and Family Development

Inspector Valerie Harrison
Vancouver Police Department

Daniel L. Mulligan
Administrative Crown Counsel, Criminal Justice Branch, Ministry of Attorney General

Robert Watts
Provincial Director, Community Corrections
Ministry of Public Safety and Solicitor General

Mike White
Manager, Youth Services, Ministry for Children and Family Development

David Winkler, Q.C.

Debbie Granger
Secretary to the Street Crime Working Group, Crown Counsel, Criminal Justice Branch, Ministry of Attorney General

Danny's Story

On July 6, 2003 Danny was seen knocking over newspaper boxes and café tables in the West End. The situation escalated and onlookers called the police. He was arrested and held overnight to attend at the provincial court in Vancouver the next morning. He was held in custody because of his lengthy criminal record, which is primarily for property offences. On July 7th, he was brought before the court for a bail hearing. In court, he began screaming so much that the judge adjourned the case overnight so he could be seen by a doctor.

If Danny had been assessed before court, the judge would have had the relevant medical information at his first appearance.

Danny was seen by a psychiatric nurse overnight, and reappeared in court on July 8th. The medical report indicated he was "mentally fit" to understand the proceedings. So he was released on bail with conditions including that he report to the Forensic Outpatients Clinic, and take his medications as prescribed for as long as he consented to.

His conditions also required that he report to his probation officer if he withdrew his consent to take the medications prescribed. Upon hearing this, Danny said to the judge "If you think I am going to follow these conditions, you're crazy". He was then released, and ordered to return to court on July 16 for another appearance before a judge.

The law in Canada requires offenders to consent to taking medical treatment when courts make this a condition of their release on bail.

The Provincial Court and probation office are located at the corner of Cordova and Main Streets. The Vancouver Forensic Psychiatric Commission Outpatient Clinic is located in the 300 block of West Broadway, some thirty blocks away, directly through the heart of the skid row area. No arrangements were made to ensure he got to the clinic.

On July 16th, Danny did not come to court as required by the judge on the last court date. The judge issued a warrant for his arrest. On August 3rd, witnesses phoned the police with reports of Danny masturbating on a busy commercial street in the West End.

The police arrested him and he was held in custody overnight. The police report indicates he had no fixed address. At court, he refused to talk to a lawyer or a doctor, and spoke nonsense. Observing this behaviour, the judge ordered that he be held in custody so that a psychiatric assessment could be done within the next 30 days.

The location of these offences is significant because street crime and disorderly conduct, which used to be more concentrated in the Downtown Eastside, have spread across the Downtown area.

On September 2nd, Danny was brought back to court. The psychiatrist's assessment had uncovered a long history of psychoactive substance abuse, drug-induced psychosis and mild mental retardation.

and that he had been an inpatient at Riverview Hospital in 2000. Once again, he met the definition of mental fitness for court purposes. He pleaded guilty to the disturbance charge from July 6th. The judge imposed a suspended sentence and followed the psychiatrist's recommendations and ordered Danny to report to the Forensic Psychiatric Outpatient Clinic and take treatment as prescribed as long as he consented.

This was Danny's second identical order to attend the Psychiatric Outpatient Clinic. There was no information before this judge to show whether he had ever actually attended the outpatient clinic, or if he had any place to live. No attempt was made to specifically address his addiction problems either.

Back in the West End, Danny was sitting in an Internet café after midnight on September 18th. He appeared to be falling asleep, and an employee asked him to leave. He punched the employee in the face and destroyed a computer printer by pushing it off a table. He was once again arrested by the police and held in jail for court.

The next day, the information before the court made reference to Danny's addiction to crystal methamphetamine, but made no mention of his psychiatric history or assessments. Crown Counsel knew there had been a probation order made recently, but did not know its precise conditions. This time, Danny was released on bail on the condition he stay away from the café where the latest incident had occurred.

There was no built-in mechanism to alert justice system personnel to the fact that Danny had recently undergone a psychiatric assessment.

Given sufficient time, case histories could be assembled by each relevant component of the justice system, but there is currently little interface between systems to exchange information. The heavy volume and fast pace of remand courts in Vancouver allows little time to assemble background information.

The two most recent files were not correlated, so the judge on the September 2nd sentencing dealt only with the mental health issues, and the judge on the September 19th bail hearing was not aware of the mental health issues, and although aware of the addiction, did not address that issue. Neither attempted to address the homelessness issue.

On September 22nd, Danny was arrested for being in the vicinity of the Internet Café, contrary to the terms the judge placed on him when he was released the last time. He was annoying customers and staff at another coffee shop in the same area. He was charged with a new offence of breaching the conditions of his release on bail. When he was arrested, he had a glass pipe and several needles in his pockets, and admitted he was addicted to crystal methamphetamine.

When he was brought to court on September 24th, the duty counsel assigned to represent Danny told the court he could not get clear instructions from him. An overnight psychiatric assessment was ordered. The psychiatrist who saw him recommended that the judge order a further, 30 day in custody assessment, which was completed on September 27.

This order was made with no knowledge by the court of the previous court-ordered psychiatric assessment approximately one month before.

On October 18th the Forensic Psychiatric Services Commission notified the Court that Danny was still on their waiting list to be assessed and they had no report prepared for the hearing on mental fitness. At that point the judge conducted the fitness hearing by making her own inquiries of Danny, and decided he met the legal test for mental fitness.

Crown Counsel asked the court to keep him in custody this time, but he was released and ordered not to go near either of the cafes in the West End, and once again to report to the Forensic Outpatient Clinic and to take his medication.

It is not uncommon for the waiting lists to be too long for assessments to be completed by the date ordered by the court. Judges can be reluctant to detain a person longer for this reason alone.

Danny failed to appear at his next court date on October 22. Warrants for his arrest were issued. The same day the police were called back to the coffee shop in the West End because Danny was refusing to leave. He was arrested on the outstanding warrants. He told the police he didn't care about the criminal charges and would continue to do what he pleased. He was taken to jail over the weekend.

When he appeared in custody in court on the 25th of October, with the assistance of a lawyer, he pleaded guilty to the assault, mischief and breach of bail charges. The judge gave credit for the time Danny had already spent in custody and sentenced him to 15 days total in jail on all charges. When he was released he would be on probation for one year with the same terms he had on bail, requiring him to stay away from the cafes, report to a probation officer and take treatment as prescribed.

These were exactly the same terms he was released on when sentenced on Septembe, 6th. Over this four month period, there were four separate police reports filed with Crown Counsel, 10 different Crown Counsel handled the files and Danny appeared before 4 different judges and an unknown number of Justices of the Peace. Each time he came to court, he appeared as one on a list of numerous persons charged with crimes (sometimes up to 50 a day in Bail Court, and up to 150 a day in Remand Court), many charged with much more serious offences. Up to 40 mentally ill offenders may appear in the courts at Main Street in Vancouver on any day.

Danny was just one of many. The situation facing him upon his release from the October 25th sentence would be no different than it was on July 6th when this story began, despite having appeared before the court 9 times. He would still be homeless, with an untreated mental disorder and drug addiction and he would be right back on the street in the West End.

This is a true story and Danny is a real person (Danny is not his real name).

Executive Summary

The Street Crime Working Group's mandate was to propose justice reforms that would alleviate problems associated with street crime in Vancouver. We have concluded that fundamental changes are required to the culture of the criminal justice system, and to the way that health, social and justice system agencies interact. This approach has attracted support within the health and justice system for the kind of collaboration recommended and demonstrated by the Working Group itself.

The key recommendations of the Street Crime Working Group which demonstrate this new approach are to:

- Involve the public in the criminal justice system through the creation of a Community Justice Advisory Board and annual Street Crime Plans;
- Apply a triage approach to chronic offenders in the criminal justice system;
- Integrate the justice system with health and social services by creating an Urgent Response Centre to provide "wrap-around services" and a Chronic Offenders Pilot Project;
- Change how courts respond to street crime and chronic offenders by creating a Vancouver Community Court; and
- Ensure there is funding and accountability for these recommendations.

The Street Crime Working Group talked to many people who are affected by street crime and disorderly conduct. The group hosted two public forums, and held consultations with a wide variety of people and organizations. The Working Group believes that the public's concerns about street crime in Vancouver are largely justified. Forty-three percent of all Canadians report little or no confidence in the justice system. British Columbia's confidence in the justice system is the second lowest in Canada, after Manitoba. Failure to change our response will lead to continued deterioration of the quality of life in the downtown area, and further erosion of the public's confidence in the justice system.

Among the larger Canadian cities, Vancouver is second highest after Winnipeg in its total crime rate. It ranks first in the rate of property crimes committed, and ranks second for drug offences. Property crimes accounted for 78% of reported offences in Vancouver by the end of 2003, but police estimate that many more go unreported. One drug-addicted offender claimed to break into 20 cars a day to support her habit. The average cost is $640 per insurance claim.

In 2003/04, approximately 70% of adult street crime offenders were chronic re-offenders. These are defined as those who have been charged with five or more offences in the past year, or convicted five or more times in the past four years. Each offender appears in court on average 7.6 times on each charge; 23% appear more than 10 times. This creates a significant demand on the criminal justice system.

Addiction and mental illness are often contributing factors to street crime, and homelessness contributes to visible disorder. There are over 9,000 intravenous drug users in the Vancouver area, and over 11,000 mental health patients. Between 35-40 offenders with symptoms of mental illness appear in the Vancouver Provincial Court each day. Of drug addicts in the Downtown East Side, 74% have criminal records and 61% admit to regularly committing crimes to pay for drugs. Many offenders have both mental illness and drug addiction problems. There are between 600 and 1300 homeless people in Vancouver. Existing health and justice system responses are poorly coordinated, and as such, often ineffective. This is a source of frustration for the public, and also for the professionals who deal with the offenders. The ineffectiveness generally relates to the failure to address the problems which underlie the offending behaviour. Specifically, the Working Group found:

- A disconnect between the community and the criminal justice system.
- Insufficient avenues for the community to participate in the criminal justice system.
- A lack of adequate "triage" mechanisms to help the traditional justice system assess the complex problems that often affect the people who commit street crime offences and disorderly conduct.
- A lack of court responses designed specifically for chronic offenders who repeatedly commit relatively minor offences.
- A lack of alternatives to traditional court-imposed sanctions that would allow more referrals before and during the court process to mental health, detox, drug treatment and housing resources.
- A lack of integration between enforcement and rehabilitation approaches, between health and justice information systems, and a lack of knowledge about relevant health and social resources.

Public confidence in the criminal justice system is low, and is not likely to increase until the public feels involved in the systems' response to street crime and disorder. If society wishes to reduce the incidence of minor crime, it will only do so by addressing the problems which underlie the offending behaviour. This is not a lenient approach to crime, but a realistic approach to long-term protection of the public. It requires a more effective system of triage, so that offenders are assessed to determine which ones should go to jail and which ones are willing and appropriate for treatment. Other jurisdictions have demonstrated that focusing on the underlying causes of street crime can lead to greater protection of the public than is currently being achieved in Vancouver. An improved strategy to separate those cases which can be dealt with through minimal involvement of the criminal justice system from those where protection of the public requires that the full force of the justice system be brought to bear is required. Some of the key approaches recommended by the Working Group for effective intervention in street crime and disorderly conduct are summarized below:

- Significant, not token, community involvement should be fostered by the criminal justice system. One mechanism should be the establishment of a Community Justice Advisory Board to identify public safety priorities, participate with justice system personnel to develop a renewable annual Street Crime Plan and to consult regularly with the Judge and staff of the Community Court.

- A team of health and social service providers should be closely linked to the criminal justice system to assist in assessing offenders immediately when they come into contact with the system, to help determine the best response.

- Whenever consistent with public safety, mentally ill and addicted offenders should be diverted from the justice system to effective treatment or rehabilitation resources.

- Where it is determined that offenders must be directed into the court system, those who choose with the benefit of legal advice to plead guilty should have the option of dealing with their offence at the first opportunity, in the new Community Court.

- The Community Court's dedicated judge and staff would have access to comprehensive information about each offender from a range of sources. The Court would implement and monitor a full range of punitive and rehabilitative responses, integrated with health and social services, all with a view to "solving the problems" of the offender and the community. Ideally these services would be located in the same facility as the Court in the Urgent Response Centre to provide a range of "wrap around services".

- The Provincial Government should establish a Community Health and Justice Committee to oversee the cross-agency implementation of the recommendations contained in this report.

The Working Group set out to do more than just write a report to fulfill its mandate. Sub-committees of the group were formed and worked intensively to study particular issues and develop pilot projects to demonstrate what can be done better with existing resources and collaboration, such as referring property offences to Drug Treatment Court, developing a Chronic Offender Pilot Project which provides a multi-agency, targeted approach to chronic offenders and developing a model for an integrated range of services located alongside the court.

But these changes are not enough. The Working Group recognizes that significant change will require significant resources, and therefore recommends that all three levels of government provide the resources required to implement these recommendations. Governments should consider the costs of failing to address street crime, and the public's capacity to tolerate further deterioration of their quality of life.

Public safety, public health and reduction of street crime are closely linked. The public has shown a strong interest in becoming more involved in the health and safety of the neighbourhoods in downtown Vancouver. The Working Group's recommendations are aimed at addressing the underlying problems that give rise to street crime and holding offenders accountable. This should help restore the public's confidence in a justice system that responds with both accountability and humanity.

Recommendations

Involve the community in the criminal justice system.

- A Community Justice Advisory Board including criminal justice system personnel and the public should be established. Regular public meetings should be convened to give the community an opportunity to participate in identifying public safety priorities, developing approaches to street crime and disorder and discussing the success of these strategies.

- A Street Crime Plan should be developed and implemented by the Community Justice Advisory Board, based on the priorities identified at its public meetings. This Plan should be reviewed and renewed annually.

- At the community meetings, criminal justice personnel should encourage community based organizations to participate in the justice system, for example, to identify projects for community work service and to identify opportunities for employment training.

- Community involvement should be promoted by a public education strategy to raise awareness about the criminal justice system, the roles of the police, Crown Counsel, the courts and Corrections and to encourage involvement of members of the public.

- The visibility of the police on the streets should be increased.

- Community Accountability Programs for Youth should be implemented in downtown Vancouver to provide an opportunity for youthful offenders involved in low level offences to engage in facilitated discussions with the community about the impact of street crime.

- Criminal Justice system personnel should continue to be involved in early intervention and crime prevention programmes in schools and the community.

Apply a triage approach to chronic offenders in the criminal justice system.

- An assessment team including professionals from the health and social services should be established to assist the criminal justice system to identify needs of offenders that relate to their criminal or disorderly conduct.

- This enhanced assessment process should be used to assist in distinguishing between offenders who would most appropriately be referred to treatment or rehabilitation, and those whose conduct and circumstances require a court sanction. For offenders going into the court system, this coordinated approach should produce a complete history of relevant aspects of the offender's circumstances, background, needs and criminal history. For chronic offenders particularly, this should include reliable information about past efforts to link offenders to treatment and services.

- Where consistent with public safety needs, police and Crown Counsel should be encouraged through training and operational policies to use the assessment to consider directing offenders into the health or social services system, where adequate treatment resources exist. Such diversion should be encouraged at every stage, before and after an offender's entry into the court process.

- The number of shelters, safe houses and supported housing beds should be increased for youth involved in the sex trade and street youth. Second stage support housing for youth with addictions or mental health problems should also be increased.

- The capacity of mental health and addiction services for youth and young adults (ages 18 to 24) should be increased, and in particular detox and residential addictions treatment services, and programmes for the early detection of psychosis. Special attention should be given to providing services for Aboriginal youth.

- The increased use of integrated interminsterial approaches and transition planning to target young adults is required.

- Enhanced assessment and intervention for neuro-developmental disorders such as FASD is required.

- The Street Crime Working Group supports the development of the proposed Downtown Integrated Youth Services Centre and enhancement of outpatient youth mental health and addictions treatment services. An integrated youth services centre for Aboriginal youth with similar services should be developed.

Integrate the criminal justice system with relevant health and social services.

- Work should continue to develop a "wrap around services" centre, located at or near the Provincial Court in Vancouver. These services should have as their focus the assessment of the contributing factors to an offender's behaviour, including combinations of such factors as addictions, mental or other illnesses, or homelessness. The Centre should include social services such as income assistance, housing referrals and employment training referrals, and be available to the court for referrals and assessments.

- The Street Crime Working Group recommends and has already begun development of a Chronic Offender Pilot Project, to focus on bringing together police, health, Crown and corrections information to prepare a complete package of information for the Court and to develop individualized plans for each offender. Plans could include everything from counselling, treatment, supervision to jail. It is hoped that this project will help identify the factors contributing to criminal behaviour and to try to disrupt the cycle of crime by addressing some of those factors.

- Awareness should be raised among justice system personnel of the services for street crime offenders who might benefit from assessment and treatment for addiction, mental disorders, other health conditions, or for referrals to housing and income assistance.

- Crown Counsel and other criminal justice system personnel involved in the Bail Court should receive enhanced training in dealing with mentally disordered offenders, to help stream offenders effectively and strengthen the linkage between the courts and the health system. Crown Counsel and other criminal justice system personnel should receive regular updates from health services about facilities that are available for the treatment of mentally disordered offenders.

- The coordination and collaboration of inter-agency services aimed at high risk street youth and services to assist these youth to exit their street life should be improved. The DISC programme (Deter and Identify Sex Trade Consumers) developed by the Vancouver Police Department and community partners should receive support from other criminal justice system components.

- More information about existing, publicly funded services relevant to street crime should be made available to criminal justice, health and social services personnel to better coordinate the management of services and reduce duplication.

- Linkages should be created between agencies to facilitate data collection among the health, social and justice systems. Agencies should collaborate on identifying the types of information to be collected, giving consideration to the value of both information sharing and privacy rights, as appropriate.

- Adequate funding should be put in place to ensure there is capacity to sentence or divert offenders to programmes that will in the long term provide effective and efficient intervention in criminal behaviour.

- Training should be continued and enhanced for police and other justice system personnel relating to addiction, mental health and crisis intervention.

- Where appropriate, justice system, health and social service personnel should assist each other with cross discipline training.

Change how courts respond to street crime and chronic offenders.

- The Working Group recommends implementing a pilot project for a Community Court for the Downtown Vancouver area. The Court would have a primary focus on problem-solving sentencing, rather than on the process of adjudication of guilt or innocence. This court should respond to street crime in an immediate, meaningful and visible way. It is recommended that such a court should:
    - be a separate and distinct court which is located in a building separate from the Vancouver Provincial Courthouse, co-located with the health and other social services such as housing, income assistance and employment training;
    - have a specifically designated judge and court staff;
    - provide a timely disposition when the offender is willing to plead guilty to a charge, ideally at the first appearance of the offender in court;

- have ready access to an assessment of the background and underlying needs of each offender, which should be based on shared information from a variety of sources collaborating for this purpose;
- have the technology to gain prompt access to information likely to be relevant to criminal justice personnel's decision-making;
- have the full range of sentencing options available, including jail, but with an emphasis on community based sentences that could be carried out as quickly as possible;
- emphasize the principles of both rehabilitation and protection of the public in sentencing, and whenever possible, apply principles of restorative justice with emphasis on personal accountability, recognition of the impact of street crime on victims and the whole community, and reparation for harm done;
- include a dedicated duty counsel;
- be closely linked through a dedicated Liaison Officer to addiction, mental health and general health services, particularly the Urgent Response Centre, and other social services such as housing, income assistance and employment training;
- include a probation officer to coordinate the collection of information about each offender and as appropriate, provide that information to the Court along with information about services or programs that are appropriate and available;
- include a Community Coordinator position to act as a bridge between the community and the Court, and
- create and meet regularly with the Community Justice Advisory Board to stay informed of current issues in the community, and to ensure community-based sentences are working effectively.

- In general, any court dealing with street crime offenders in Vancouver should be fully informed and involved in planning for the offenders' release from custody, whether on bail or probation. Terms of release ideally should be designed to assist offenders break the cycle of addiction and reoffending, whenever possible.

- Court responses should be more timely. Criminal justice system personnel should work together to avoid multiple adjournments, particularly by linking offenders to counsel and services as soon as possible.

- Police should provide Crown Counsel with sufficient information to assist the court to understand the impact of street crime on the community, even for low level offences.

- Referrals to Drug Treatment Court for property offences should continue and be increased, if possible.

- Further work should be done to determine how to implement mediation practices in the criminal justice system, where appropriate.

Ensure there is funding and accountability for implementing these recommendations.

- The Provincial Government should establish a Community Health and Justice Committee for downtown Vancouver. The Committee would consist of representatives from each of the agencies with responsibility for implementation of these recommendations.

- The Community Health and Justice Committee will coordinate cross-agency implementation of these recommendations.

- The Community Health and Justice Committee will link with the Community Justice Advisory Board and assist with organizing its public meetings. The annual Street Crime Plan may include recommendations that affect how services are delivered.

- The Community Health and Justice Committee should report out annually to the Attorney General.

- The Community Justice Advisory Board should report annually to the Mayor and the Attorney General.

- The Community Health and Justice Committee should develop a comprehensive plan for implementing and evaluating these recommendations.

- After reviewing existing services, funding must be made available to address any gaps in services that will be needed to implement these recommendations.

Street Crime Working Group Report

Introduction

Overview of Street Crime & Disorder Issues in Vancouver - Quick Facts:

- Vancouver has the highest rate of property crime in Canada, when compared to other large cities[1].
- Theft from auto is the number one reported property crime in Vancouver. There were 17,000 reported thefts from autos in Vancouver in each of 2003 and 2004[2].
- The police believe that 75% of thefts from autos are never reported[3].
- Much of the street crime is committed by repeat or "chronic" offenders[4].
- Between June 2004 and March 2005, the Vancouver Police Department identified approximately 600 chronic offenders in Vancouver. Within this 9 month period, half were arrested 2 or more times[5].
- In a study of 100 illicit drug users in Vancouver, 61% said that they commit crimes regularly to support their drug use[6].
- The Vancouver Jail reported that between July 2004 and September 2004, over 65% of people admitted went through Drug or Alcohol Withdrawal Intervention[7].
- Persons with symptoms of mental illness make approximately 35-40 appearances a day in Vancouver courts. They are most frequently charged with theft under $5,000, assault, and breach of court ordered conditions[8].
- In addition to street crimes, surveys and consultations show that open drug use, aggressive panhandling and other disorderly behaviours are affecting the quality of life in Vancouver.
- 43% of Canadians report 'not very much' or 'no' confidence in the justice system[9].
- British Columbians' reported confidence in the justice system is second lowest in Canada[10].

PURPOSE OF THE STREET CRIME WORKING GROUP REPORT

This Report proposes a new approach to street crime and disorderly conduct in downtown Vancouver. Chronic offenders who have substance abuse problems and mental disorders are responsible for much of the street crime in this city. It is abundantly clear that the justice system alone cannot effectively respond to these problems, as it is not equipped and was never intended to address the underlying causes of chronic offending. The following pages summarize research and analysis that led to the Street Crime Working Group recommendations. Much of this was based on an initial needs assessment (see Appendix A). This assessment includes consultations that disclose the public's perception of crime, their views about their own safety and the effectiveness of the criminal justice system. The views of justice system personnel[11] and offenders are included. In addition, data was collected from a variety of sources and is summarized in the needs assessment. Innovative responses to similar problems in other jurisdictions are also considered and included in a literature review (see Appendix B).

All of these inform and shape the recommendations, which propose a new response to street crime in Vancouver that would improve the outcome of cases like Danny's. This response is centered on a new collaboration between the community and the justice, health and social systems to better address the underlying causes of crime, and in turn aim to break the cycle of crime.

BACKGROUND - *STREET CRIME WORKING GROUP*

The Working Group is a Sub-Committee of British Columbia's Justice Review Task Force, a group that was formed to identify potential reforms that would help make the justice system more responsive, accessible and cost-effective. The Task Force includes the Chief Judge of the Provincial Court, Chief Justice of the Supreme Court, the Deputy Attorney General, the Assistant Deputy Minister of Justice Services, and representatives of the Law Society of BC and the Canadian Bar Association.

The Street Crime Working Group membership includes the Chief Judge of the Provincial Court and other representatives of the Provincial Court Judiciary, the defence bar, prosecutors, the Vancouver Coastal Health Authority, Corrections, Youth Corrections, health services, police and the Vancouver Agreement[12]. The inclusion of both health and justice representatives is believed to be unprecedented in a group with this type of mandate, and the benefits of this approach were almost immediately apparent.

The Street Crime Working Group was given a mandate to learn more about the problems associated with street crime and disorder in the downtown Vancouver peninsula, bordered on the east by Clark Drive. The purpose was to propose potential reforms to the justice system that might improve the situation, with particular attention paid to mentally disordered offenders, addicted offenders, youth and Aboriginal people. The mandate also included an examination of the extent to which chronic offenders are a cause of street crime.

WHAT THE WORKING GROUP DID

On March 8, 2004, Attorney General Geoff Plant announced the launch of the Street Crime Working Group and gave it one year to fulfill its mandate and submit its report. On April 14, 2004 the Working Group held its first public forum at the Roundhouse Community Centre, in conjunction with Law Week and with the assistance of the Canadian Bar Association. Speakers included the Chief Judge, Judge Hugh Stansfield and guest speakers from the Center for Court Innovation in New York City and from the Community Prosecutor's Office of the Multnomah District Attorney's Office in Portland, Oregon.

Members of the public expressed their concerns about street crime in Vancouver and heard presentations about how similar problems are addressed in other jurisdictions. Ian Hanomansing from CBC TV acted as moderator and there was considerable media interest in and coverage of the event. A second forum of stakeholders was held at the Vancouver Public Library on June 23, 2004 and provided an opportunity to collaborate on possible solutions to some of the problems caused by street crime.

From April to December 2004, the Working Group met every two weeks for half day sessions, had two full day meetings, and a workshop involving other criminal justice and health personnel. Three sub-committees of the Working Group were created to cover the wide range of issues within the one year mandate. The topics covered in the sub-committees were Sexually Exploited Youth, Drug Treatment Court and Chronic Offenders.

The Working Group also conducted a needs assessment that included presentations, consultations, and focus groups with a broad range of interested parties, stakeholders and offenders as well as an examination of quantitative data relevant to the issue of street crime and disorder.

A web site was maintained to invite public participation. All of this information was synthesized into the Needs Assessment (see Appendix A). Simultaneously, the Working Group was collecting data and statistics from relevant sources, and materials from other jurisdictions where similar problems had been addressed and incorporating this information into a literature review (see Appendix B).

What is the Problem?

The Working Group examined relevant experiences in other jurisdictions and research undertaken by experts on street crime in order to better understand how the problems in Vancouver developed. This information was combined with consultations and interviews conducted by some Working Group members and their respective organizations. This needs assessment provides the foundation to identify the key issues and develop the recommendations. Specifically, the Working Group examined the following questions in order to describe the situation:

- What is the crime rate in Canada, British Columbia, and Vancouver?
- How does crime affect the public?
- What is street crime and disorderly behaviour?
- What kind of street crime and disorderly behaviour occurs in Vancouver?
- What crimes and behaviours are of particular concern in Vancouver?
- What causes these crimes in Vancouver specifically?
- Who commits these crimes/behaviours in Vancouver and why?
- How do health, justice and other systems respond to these activities and how effective are these responses?

These questions are addressed in this section of the Report.

CRIME: A SNAPSHOT OF CANADA, BRITISH COLUMBIA, AND VANCOUVER

Over the last decade, crime rates in Canada have dropped significantly: there has been an overall decrease of 17% since 1991[13]. However the picture is not so positive recently: between 2003 and 2004 there was an increase of 5.5% in crime across Canada[14]. Furthermore, there seems to be an overall trend of crime rates being higher in Western Canada compared to Eastern Canada[15].

Crime in BC and Vancouver - Quick Facts:

- → British Columbia has the highest per capita rate of drug crimes in Canada (double the 1997 Canadian average)[16].
- → British Columbia reported the lowest charge rate for drug offences[17]
- → British Columbia's incidence of 'theft under $5,000' is almost double the Canadian average[18].
- → British Columbia's 'disturbing the peace incidents' are almost double the Canadian average[19].
- → British Columbia residents reported 'break and enter' incidents at a rate 1.5 times the national rate, and 'theft of property' at 1.7 times the national rate[20].

- Reported crime in Vancouver rose slightly (1.5%) between 2002 and 2003[21].
- Vancouver has the highest rate of property crime in Canada, compared to other large cities[23].
- Vancouver placed second only to Thunder Bay for police-reported drug offences[24].

British Columbia and Vancouver have high rates of drug crimes, thefts, break and enters, and disturbing the peace. Vancouver in particular has a high crime rate, second only to Winnipeg when all large cities across Canada are compared.

The public perception of Vancouver as having significant crime problems is supported by crime statistics. The perception that disorderly conduct is leading to a decreased quality of life in Vancouver seems justified: the fact that BC's rate of 'disturbing the peace' incidents is nearly double the national average may indicate a climate of street crime and disorderly conduct.

HOW DOES CRIME AFFECT THE PUBLIC?

The concern is not about any one type of offence but all, including nuisance offences or behaviour such as trespassing, begging or physical intimidation. Open drug dealing at all hours is common. Break and enters are up, both residential and business. People are gating and double locking their buildings and not all businesses and apartment buildings can afford security services.

Reports of intimidation of people, businesses and even security personnel are increasing. Several long time businesses are near to closing or have closed because they cannot afford the crime, intimidation or cost of preventative services. Sometimes it is the perception of street crime alone that has kept people away from the business. This is re-enforced by the number of homeless people & beggars on the streets. (Focus Group with Downtown Business Improvement Association, 2005)

The consensus from the focus groups was that the crime levels are getting worse in the downtown core. Some members of the public reported that they were afraid of aggressive panhandlers and squeegee kids. Quality of life is directly impacted by street crime and disorderly behaviours. Some business owners said that public fear of crime is forcing businesses to close, because people are afraid to come downtown. It is apparent that crime and perceptions about crime affect the quality of life of the people who live, work and visit in downtown Vancouver. High levels of crime also lead to a lack of public confidence in the justice system. Several business people in Vancouver say they have brought in private security services because they believe that the police can't or won't protect their businesses. Some of those consulted say that they are not likely to report crime or testify in court because they have no confidence in the outcomes.This creates a cycle: crime leads to lack of confidence in the justice system, which leads to under-reporting, which means there is no response to those crimes. As confidence decreases, the fear of crime goes up.

Confidence in the Justice System & Fear of Crime - Quick Facts:

- 43% of Canadians report 'not very much' or 'no' confidence in the justice system[25]
- BC's reported confidence in the justice system is second lowest in Canada (Manitoban's have reported lower levels of confidence)[26]
- Fear of crime is highest where people perceive the justice system to be doing a poor job[27]

- Fear of crime is reduced when community-based justice initiatives are introduced (e.g., community police centres, storefront police stations or other initiatives that enhance the quality of interactions between the public and the justice system.)[28]

WHAT IS STREET CRIME AND DISORDERLY BEHAVIOUR?

The following is an excerpt from an interview with an offender conducted through the Vancouver Police Department's Chronic Offender Program:

"When you were using, how much did you use a day?
I would use about $500 to $1000 a day in crack."

"How many cars would you need to break in to a day to support that?
About two to five. I walk down the street, look in the car, if there was something in it, I took it."

"What would you do with the property?
I would fence it to the dealers or to pawn shops. Whatever worked."

"Do you think that you're getting enough from welfare to support yourself?
Not really, I make do, though."

"Have you ever broken into a person's house?
No, that's too personal."

(Excerpt from an interview with an offender, conducted through the Vancouver Police Department)

The term 'street crime' generally refers to criminal or disorderly behaviour that is highly visible and affects the community by a gradual erosion of the quality of life. Street crime is generally defined to exclude organized crime, commercial crime, or violent crimes such as murder, sexual, physical or domestic assaults.

The Street Crime Working Group's definition is based on what the public told them was of concern: 'low level' offences and disorderly behaviours. This definition captures the type of crime that affects the quality of life in Vancouver, and generally does not include violent crime. This includes activities such as low level theft, causing a disturbance, mischief, some drug offences such as possession and some trafficking activities.

Street crimes may also include offences such as assaults and theft over $5000, if they are associated with street activity. Robberies that are considered street crime would be incidents such as a person taking money from someone who is drunk.

Examples of Street Crimes and Disorderly Behaviours[29] - Quick Facts:

- Causing a Disturbance / Theft (including theft from auto)
- Credit Card offences / Possession of Stolen Property
- False Pretences and Fraud
- Mischief (damage to property)· Possession of drugs

- Trafficking in drugs
- Robbery –only low level street robberies
- Making threats
- Communication for the purposes of prostitution
- Theft of auto
- Break and enter of commercial property
- Possession of Break & Enter tools
- Food/Accommodation Fraud
- Squeegee offences
- SkyTrain fare fraud

In addition to these examples, breaches of probation and bail and failure to appear in court contribute to the "revolving door" problem. In some sense, these could be considered indicators of the failure of the justice process to address the problems of street crime and disorderly behaviour.

WHAT KIND OF STREET CRIME AND DISORDERLY BEHAVIOUR OCCURS IN VANCOUVER?

There were over 17000 reported thefts from autos in Vancouver in each of 2003 and 2004. The average cost to the victim and Insurance Corporation of British Columbia is $640 per claim.

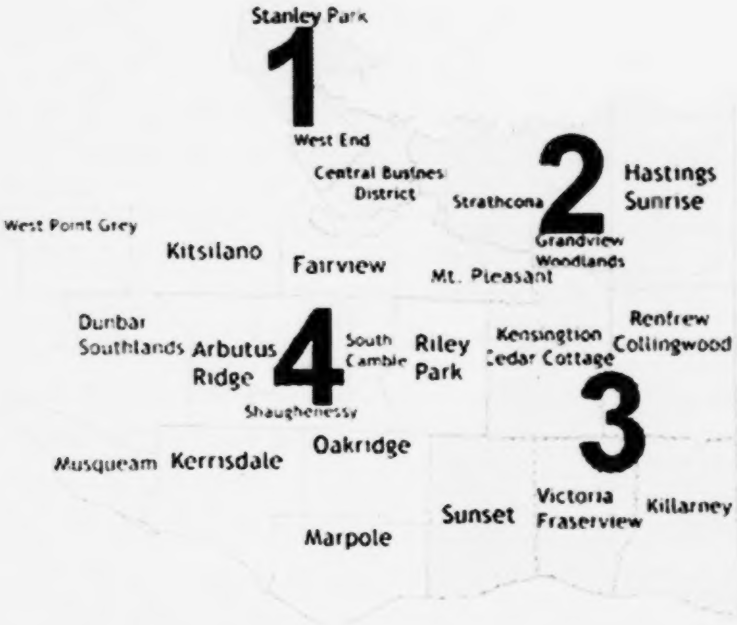
That amounts to approximately 10 million dollars. The police believe that only 25% of thefts from auto are reported. [One offender] claims to break into 20 vehicles per day to support her drug habit. If what she says is true, this amounts to $12,800.00 per day. To release her back into any community without mandatory drug treatment or incarceration is not acceptable. (Vancouver Police Department, 2005)

Having outlined the scope of 'street crime and disorderly behaviour', the Street Crime Working Group looked to various sources to see what actually was occurring in Vancouver, and how bad the situation was.

Most of this information comes from either police 'calls for service' or from the police 'crime index reports'. The following map shows the areas that the Vancouver Police Department now refer to as 'District One' and 'District Two'. District One is the western part of the downtown core, and includes the West End and Central Business District neighbourhood areas. District Two includes Hastings Sunrise, Grandview Woodlands, and Strathcona neighbourhoods, as well as the Downtown Eastside.

The mandate of the Street Crime Working Group covered all of District One and the Strathcona neighbourhood of District Two.

Vancouver Police Department Districts[30]


Stanley Park
1
West End
Central Business District
Strathcona
2
Hastings Sunrise
Grandview Woodlands
West Point Grey
Kitsilano
Fairview
Mt. Pleasant
Dunbar Southlands
Arbutus Ridge
4
South Cambie
Riley Park
Kensingtion Cedar Cottage
Renfrew Collingwood
Shaughenessy
3
Musqueam
Kerrisdale
Oakridge
Sunset
Victoria Fraserview
Killarney
Marpole

The top three reasons for calls from the public for police service in both District One and Two are:

- Person annoying[31]
- Suspicious person and/or circumstance
- Theft from auto

District One showed that 'theft in progress' was the fourth most frequent reason for calls for service, while District Two showed that 'disturbance' was the fourth most frequent reason[32].

The important point here is that 'person annoying', 'suspicious person and/or circumstance', and 'disturbance' are not usually crimes (although a suspicious person could be revealed to be committing a crime). The frequency of these calls to police in District One and Two illustrate the prevalence of non-criminal disorderly behaviour that the Street Crime Working Group repeatedly heard as a public concern.

Crime incidence reports give another view of street crime in these areas. The Crime Index from the Vancouver Police Department shows that the most prevalent crimes reported to police since 2002 until the end of 2004 are:

- Theft from Auto
- Theft
- Break and Enter
- Drug Cases

Number of Incidents Reported to Police[33] - Quick Facts:

		District 1	District 2	Downtown Eastside (includes parts of D1 & D2)
2004	Theft from auto	5792	2811	1179
	Theft	4655	2065	930
	Break and Enter	1597	1839	643
	Drug cases	757	2129	1690
2003	Theft from Auto	6461	3016	1530
	Theft	4530	2033	874
	Break and Enter	1787	2066	591
	Drug cases	716	1715	1392
2002	Theft from auto	7072	3580	2095
	Theft	4513	1948	938
	Break and Enter	1464	1926	658
	Drug cases	437	1604	1339

Other common incidents were 'theft of vehicle' and robbery. As an example, the number of reported auto thefts in 2003 were 1346 (District 1), 1441 (District 2) and of these, 348 occurred in Downtown Eastside. Other examples of the behaviour that causes concern is the person who rides SkyTrain without paying, or who re-sells SkyTrain transfers. Another is the credit card scheme common in downtown parking lots that involves people offering parking tickets for half the cost of a ticket from the machine. The person uses a stolen credit card to get the tickets and re-sells them to people wanting to park. The driver who pays $5.00 for a ticket that is worth $10.00 may not know that the person selling it has used a stolen credit card to buy the ticket. Police also note the financial implications of property crime in Vancouver. A senior member of the Vancouver Police Department stated that the Downtown Eastside is described as the poorest postal code in Canada, but "…if we were to capture the money that flowed through the neighbourhood in terms of drugs and stolen property, it would certainly be one of the wealthiest neighbourhoods in the country." He estimated that the value of the stolen property that is moved through the Downtown Eastside on a monthly basis is in the millions of dollars. It's difficult to compare trends or geographic differences in these crimes, since the data is influenced by targeted enforcement strategies. This is discussed more fully in Appendix A (see the Needs Assessment). However, the police data does support the perception that 'street crime' offences and disorderly behaviour both represent a continual demand on police resources.

WHAT CRIMES AND BEHAVIOURS ARE OF PARTICULAR CONCERN IN VANCOUVER?

"Public disorder and aggressive threatening behaviour, vagrancy, drunkenness. The West End is not as safe as it was ten years ago. The quality of life has changed for the worse. The funding source for drugs is crime and the subsequent problems in the West End. There is a need to track repeat offenders and deal with them."(from a Consultation with the West End Coordinating Committee, a citizens' community action group, 2005).

What specific activities are of concern? Not surprisingly, the consultations conducted by the Street Crime Working Group revealed similar concerns among most of the groups. Prominent concerns were:

Street Crime & Disorder concerns in Vancouver[34] - Quick Facts:

- Open drug dealing
- Increased methamphetamine use and associated violence and psychosis
- Crimes associated with addiction to, use of and selling of drugs
- Property crime (usually associated with drug activity)
- Youth being recruited into the sex trade
- Gaybashing
- Conduct affecting quality of life crime and disorder such as:
  - people living on the streets and beggars, loiterers and trespassers
  - inappropriate conduct associated with mental illness
  - aggressive panhandling
  - flipping over mailboxes
  - threatening behaviour
  - public urination
  - scavenging from dumpsters or 'binning' - particularly by opportunistic criminals
  - street fighting/nightclub violence
  - public drunkenness and violence between panhandlers.

CRIMES OF CONCERN TO THE PUBLIC

The consultations revealed that a large number of people are concerned about low level crimes, such as thefts; thefts from vehicles; break and enters (B&Es); and minor drug offences. These concerns are consistent with the Vancouver Police data above, which shows that theft from auto, theft and burglary are the most prevalent street crimes in Vancouver. The Working Group heard from people who said that they have had property stolen from them or their cars broken into but did not bother to report it to police because they are frustrated with the lack of an effective response to these crimes. Some specific frustrations mentioned include: slow police response time, lack of consequences for the offender, and fear of rising insurance costs.

In a focus group with representatives from the tourism industry, individuals said that some tour operators have stopped going to certain areas of Vancouver (e.g. Gastown and Queen Elizabeth Park), due to an increase in the number of thefts experienced by their tourist clients and by the tour companies whose small vans are repeatedly broken into and robbed. In addition, representatives from the Chinatown Business community advised that 15 years ago, the streets of Chinatown were vibrant at all hours of the day. Now, many restaurants and businesses close at 6:00 pm because people are afraid to come to the area at night. Consultations with the Chinatown Business and Cultural Community representatives revealed that street crime is threatening Chinatown's heritage by dispersing its residents, driving away business, and discouraging local and foreign tourists.

BEGGING/SQUEEGEE PEOPLE

In addition to property and other low level crimes, the consultations showed that many Vancouver residents and visitors are concerned with disorderly behaviour such as aggressive panhandling, begging, loitering, trespassing and squeegee people. In a survey of the general public, conducted for the Downtown Vancouver Business Improvement Association (DVBIA) in May 2004, 42% of the 500 individuals interviewed said that aggressive panhandlers and squeegee people should not be allowed to operate in downtown Vancouver[35]. Only 8% had no problem at all with panhandlers and squeegee people. Thirty-seven percent maintained that they avoid areas of downtown Vancouver they would like to visit and 46% say that downtown Vancouver feels unsafe because of aggressive beggars and squeegee people. Forty-nine percent agreed with the need for a law that would allow aggressive beggars and squeegee people to be fined or ticketed and possibly arrested. Approximately 73% of respondents said it should be illegal for aggressive beggars and squeegee people to operate in specific locations, such as near an ATM, a pay telephone, public toilet, taxi stand, bus stop, or solicit from anyone in a parking lot, or anyone entering or exiting a vehicle.

In a survey of 251 members of the DVBIA, 53% believe that beggars and street people are a considerable problem and 77% believe that begging has worsened in Vancouver[36]. Some business owners feel that their customers are afraid to come downtown because of aggressive panhandlers and open drug dealing. Subsequent to these surveys, the Safe Streets Act was introduced and proclaimed into force in British Columbia. The Act makes aggressive solicitation and captive audience solicitation an offence[37]. At the time of writing, it is too soon to determine the effect of the Act.

CONCERNS IDENTIFIED BY THE WORKING GROUP

The SCWG had concerns about the vulnerability of particular populations, including Aboriginal people, youth, people with mental disorders, and people with addictions. People with mental disorders and addictions are discussed on pages 33 and 34.

ABORIGINAL PEOPLE

One concern that came from the Street Crime Working Group itself was regarding low income Aboriginal people living in the downtown core. Many of these people have come to Vancouver from other parts of the province, and do not have the benefit of a solid supportive community around them. This, of course, is not unique to Aboriginal people, but is typical of the plight of other impoverished persons, including many recent immigrants and single parent families. However, in spite of the challenges faced by many of the Aboriginal people in the downtown core, Crown counsel told the Working Group that they have not observed an overrepresentation of Aboriginal people in the cases going to court at the Provincial Court in Vancouver[38]. Aboriginal people who were consulted point out what research consistently shows: that there is an over-representation of Aboriginal people in conflict with the criminal justice system in Canada. However, lack of available data related to the ethnicity of street crime offenders prevents us from drawing any conclusions about the number of Aboriginal offenders involved in street crime offences in Vancouver.

YOUTH IN THE STREET SEX TRADE

One area where youth, and Aboriginal youth in particular, were of concern is in the street sex trade. While estimates of the number of youth being exploited through prostitution are notoriously unreliable, a report released in 2000 suggested that in some communities in Canada up to 90% of these youth are Aboriginal[39]. When one considers that according to the Ministry of Children and Family Development, more than half of the children and youth in the Ministry's care in Vancouver are of Aboriginal heritage, and youth in care seem to be over-represented as victims of sexual exploitation, there are clear reasons for concern.

The Working Group established a sub-committee to learn more about youth involved in the sex trade, and found there are programmes available to assist youth to "exit" the sex trade, but that there may not be sufficient knowledge of, or support for these programmes in the criminal justice system. The concern here is that the youth are victims of exploitation, rather than offenders. Involvement in the drug scene makes this problem worse. Drug traffickers target some Eastside elementary schools, picking and "grooming" young Aboriginal girls and supplying them with drugs in efforts to involve them in the sex trade. One Native Court Worker told how young girls become trapped in the cycle of making money and spending it on drugs to feed their addiction. He described the difficulty of escaping this circle, because their peers and "boyfriends" pressure them not to leave the lifestyle. He said: "They can't just stop what they are doing. They need to move out of the neighbourhood. Some parents send their kids back to their home community to clean up." The Working Group supports realistic strategies to help street youth at risk from exploitation by adults to leave the sex trade.

OTHER CONCERNS RELATED TO YOUTH

Not all of the youth issues that were raised to the Street Crime Working Group are connected to the sex trade. For example, the consultation with street-involved youth revealed a serious concern about the increased use of methamphetamines, particularly among younger people.

Methamphetamines are cheap, easily accessible, and highly addictive. A specific concern is the effect that these drugs have on the users' mental health, as these drugs can potentially increase the risk of violence and paranoia. Homelessness is a concern for youth as well as adults. Some of the street-involved youth said that they have chosen to live on the street rather than in a dirty room that could cost $400.00 per month.

WHAT DOES THE PUBLIC THINK?

Members of the public react to the effect of crime and disorderly conduct on their lives. It is irrelevant to them whether the conduct is criminal or non-criminal. The public expects the police to step in, regardless of the nature of the behaviour. For example, if a homeless person is sleeping in the doorway to a home or business, members of the public would not usually call health or social services, even though those are probably the appropriate responders.

The Chinatown Business Community Representatives and other Vancouverites cited inadequate responses by the criminal justice, health care, and related systems as being of particular concern. A common view is that not much is done to stop the activities that are reducing their quality of life and when action is taken, it is ineffective.

WHAT CAUSES THESE PROBLEMS IN VANCOUVER SPECIFICALLY?

"What are the most pressing public safety concerns for you in downtown Vancouver?"

> ***"I have horrible living conditions – there are cockroaches and mice; there is not even a sink to wash your hands. It's worse than the jail cell I had." (From Street Crime Working Group consultation with drug addicts, 2004)***
>
> ***"The use of and trafficking in illegal drugs underlies most crime in Vancouver. Property crime and particularly theft from autos is closely linked to drug addiction. Each year $100 million worth of drugs goes through Vancouver. It is estimated that there are approximately 4,000 illicit drug users living in the Downtown Eastside and approximately 7,000 other residents whose low incomes prevent them from obtaining affordable housing elsewhere." (Vancouver Board of Trade Report on Property Crime in Vancouver, 2003)***

In an earlier section of this report, the high rates of crime in Vancouver were noted: Vancouver has the second highest crime rate in Canada (following Winnipeg); the highest rate of property crime and the second highest rate of police-reported drug offences.

There is no single explanation for these crime problems. Geography provides some clues, however. For example, international airports, inland waterways, and marine ports can be access points for the import/export of illicit drugs.

Vancouver has all of these as well as proximity to the American border. International trafficking in illicit drugs sets the stage for a thriving local market in illicit drugs and the crime structure that supports drug use and drug trafficking.

A police technique called 'geomapping' provides further clues. This technique integrates geographical features of the city with the crime incidents that occur.

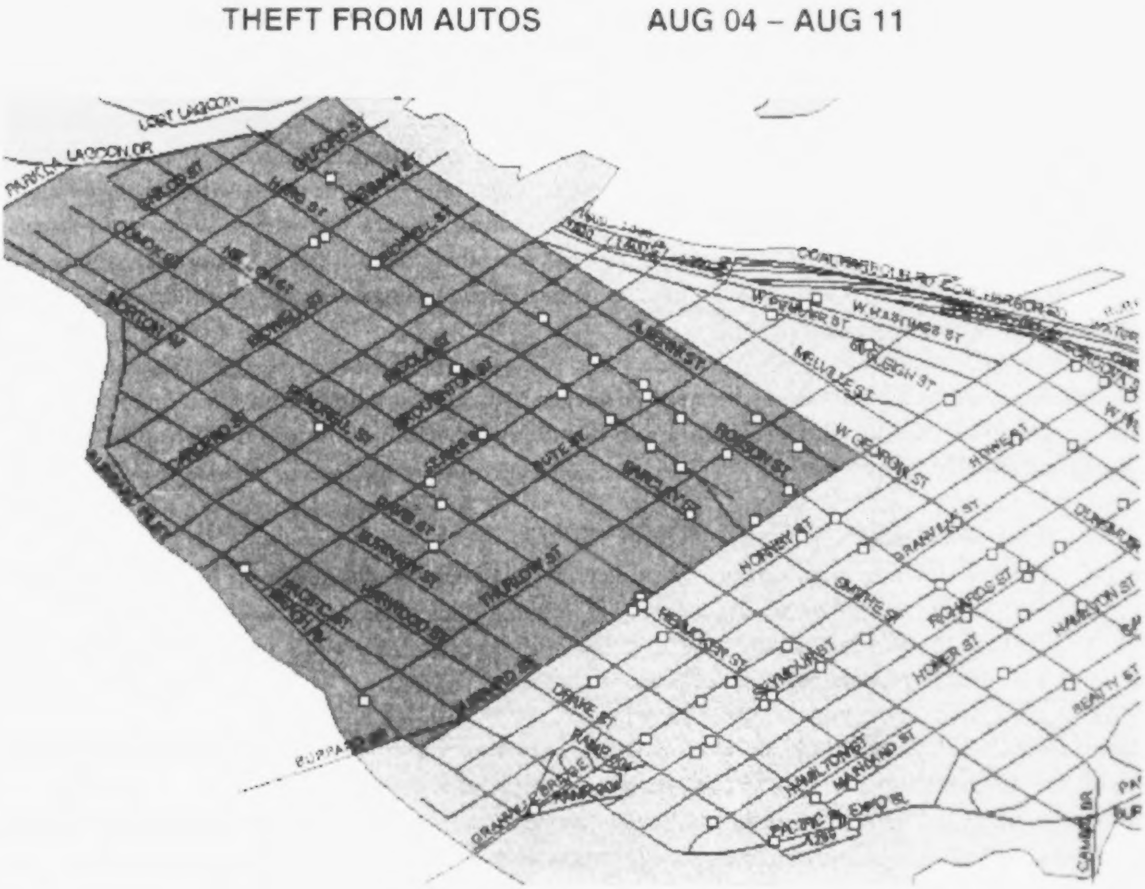
Using this technique, we can see further patterns, such as the role of SkyTrain, and 'hot spots' of criminal activity along the SkyTrain line. Vancouver Police report that 55% of all alleged criminals arrested last year in Vancouver were arrested within one block of a SkyTrain station[40].

A police officer advised that property crime offenders frequently use the SkyTrain to go to other parts of Vancouver or surrounding municipalities and commit property offences in these areas. The offenders then return to Vancouver the same way and dispose of their property in close proximity to the SkyTrain stations.

The following map depicts hot spots where thefts from cars occurred during the week of August 4-11, 2004. This snapshot seems to show that thefts from cars are widely spread across Vancouver's Downtown Core, Downtown Eastside, West End and Yaletown.

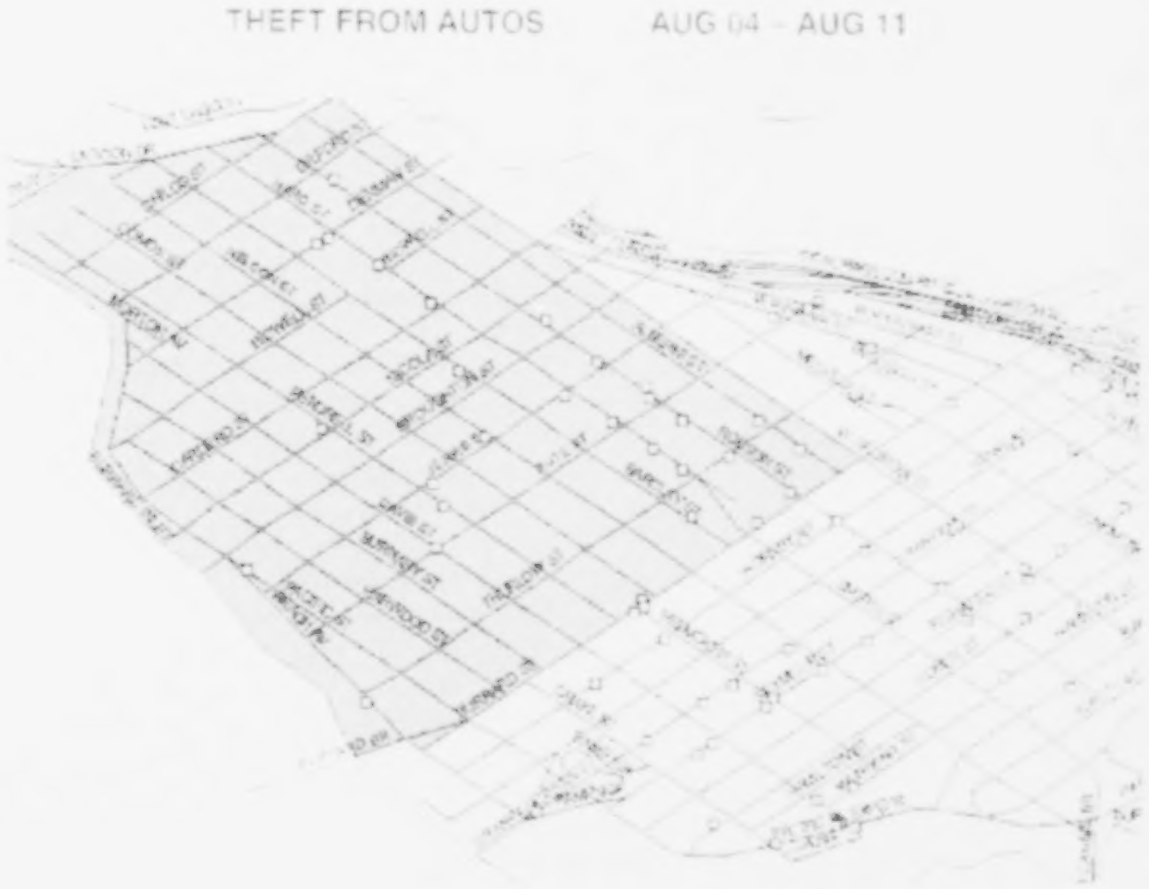
Vancouver Police note that these hot spots may change from week to week as offenders target different city blocks.

A Snapshot of Crime Hot Spots [41]


THEFT FROM AUTOS
AUG 04 – AUG 11
LOST LAGOON
PARK LAGOON DR
GILFORD ST
NICOLA ST
JERVIS ST
BUTE ST
THURLOW ST
BURRARD ST
HORNBY ST
HOWE ST
GRANVILLE ST
SEYMOUR ST
RICHARDS ST
HOMER ST
HAMILTON ST
MAINLAND ST
BEATTY ST
CAMBIE BR
SMITHE ST
ROBSON ST
BARCLAY ST
W GEORGIA ST
MELVILLE ST
W HASTINGS ST
W PENDER ST
BURNABY ST
HARWOOD ST
DAVIE ST
BURRARD BRIDGE
GRANVILLE BRIDGE
DRAKE ST
PACIFIC BL
EXPO BL
CARDERO ST
DENMAN ST
BIDWELL ST
BEACH AV
HELMCKEN ST
HARO ST
ALBERNI ST
MORTON AV
COMOX ST
NELSON ST
PACIFIC ST

Using the information from the geographical features, it is useful to consider Vancouver's drug problem and how it relates to crime. The Vancouver Coastal Health Authority estimates that there are over 9,000 injection drug users in the Vancouver Community. Many of these users also experience a range of other problems, including poverty, homelessness, malnutrition, physical disease, and mental illness. The high rate of illicit drug use has serious consequences, as criminality is highly related to dependence on alcohol or illicit drugs. Looking at the most serious level of drug-related crimes, between 1992 and 2002, nearly 20% of all drug related homicides in Canada occurred in Vancouver[42]. Even more notable is that in this time period half of all heroin related homicides in Canada and over twenty percent of cocaine related homicides occurred in Vancouver[43].

The actual number of homicides related to drugs (684 in a decade) was relatively small compared to other drug crimes[44]. In fact, drug dependent offenders are more likely to commit property offences, while alcohol dependent offenders tend to commit violent offences. A study of victimization found that approximately half of Canadian victims of physical and sexual assaults said that they felt that the offence was due to the offender's use of drugs or alcohol.



Using the information from the geographical features, it is useful to consider Vancouver's drug problem and how it relates to crime. The Vancouver Coastal Health Authority estimates that there are over 9,000 injection drug users in the Vancouver Community. Many of these users also experience a range of other problems, including poverty, homelessness, malnutrition, physical disease, and mental illness. The high rate of illicit drug use has serious consequences, as criminality is highly related to dependence on alcohol or illicit drugs. Looking at the most serious level of drug-related crimes, between 1992 and 2002, nearly 20% of all drug related homicides in Canada occurred in Vancouver. Even more notable is that in this time period half of all heroin related homicides in Canada and over twenty percent of cocaine related homicides occurred in Vancouver.

The actual number of homicides related to drugs (684 in a decade) was relatively small compared to other drug crimes. In fact, drug dependent offenders are more likely to commit property offences, while alcohol dependent offenders tend to commit violent offences. A study of victimization found that approximately half of Canadian victims of physical and sexual assaults said that they felt that the offence was due to the offender's use of drugs or alcohol.

In a recent study, federal inmates with drug or alcohol dependencies reported that prior to their arrest they had committed an average of 7.1 crimes per week. Over half were under the influence of drugs or alcohol when arrested[45].

While the drug trade supports criminality, poverty also contributes to a high crime rate in Vancouver. Vancouver is reported to have one of the poorest neighbourhoods in Canada, the Downtown Eastside. Research shows that poorer neighbourhoods have higher rates of property and violent crime[46]. But street crime is not limited to the Downtown Eastside. High rates of crime are now found across the downtown area. Many street crime offenders say they commit crimes, beg or even sleep on the streets in more affluent parts of downtown because they feel safer there than in poorer areas such as the Downtown Eastside. At the same time, this has decreased the feelings of safety for others who live and work in the downtown core.

Research can tell us a lot about what causes crime generally, but very little about what factors are associated specifically with street crime and disorderly behaviour. However, the consultations suggested possible factors:

- Lack of adequate/appropriate housing
- Not enough treatment options for addicted/dual diagnosed offenders
- Reduction in facilities for the mentally ill
- Barriers to accessing mental health services
- Lack of meaningful consequences for offenders

The Street Crime Working Group also heard about factors that might be considered the 'support structure' for enabling crime in Vancouver. For example, flea markets are thought to contribute to the problems of theft in Vancouver. Thieves are finding it harder to sell their stolen goods at pawnshops, because the police have recently cracked down on them. Offenders revealed that rather than use pawnshops, they sell stolen goods to 'fences' or simply to 'people'. One pattern revealed by chronic offenders themselves was shoplifting from grocery stores and reselling the food. This was also reflected in a story the Working Group heard from a woman who was approached by a man in the Downtown Eastside carrying several bulging grocery bags. He asked her if she wanted to buy meat. When she declined, he held up another bag and asked if she could "use any sauce."

Additional problems were uncovered by the Enhanced Enforcement Projects, conducted in 2004 by the Vancouver Police Department, and members of the City of Vancouver, the Provincial Government and the Federal Government. The intention of these projects was to look at some of the most problematic licensed businesses and pawnshops in the Downtown Eastside and the City of Vancouver and determine their level of compliance with laws and regulations.

The projects revealed that significant amounts of stolen property were being fenced in these targeted licensed premises and pawn shops. They identified a need for much more detailed scrutiny of applicants for licences for licensed premises. The practice of transferring liquor licences, as opposed to requiring a new application which undergoes scrutiny, is problematic. A report detailing the recommendations based on the Enhanced Enforcement Projects will be completed by the Vancouver Police Department in the coming months.

WHAT DO WE KNOW ABOUT THE PEOPLE COMMITTING THESE CRIMES?

"Why do you commit crime?
I need to support myself. I don't have a job. I don't have a place. I use drugs to forget about that. It becomes a bad cycle."

"What kind of crime do you commit?
I shoplift things."

"How much do you shoplift a day?
About $400-$500 a day worth of stuff."

"How much does your drug abuse cost per day?
About $100-$200 a day worth of stuff."

"What would it take for you to stop committing crime?
I need a place and a normal job

"What kind of job would you like?
Anything. Dishwasher, painter, construction, anything to keep my mind busy." (Excerpt from an interview conducted through the Vancouver Police Department's Chronic Offender Program.)

CHRONIC OFFENDERS

One of the driving forces behind the creation of the Street Crime Working Group was the number of chronic offenders in Vancouver: those who have been convicted of 5 or more separate offences within the last 4 years, or who have been charged with 5 or more separate offences within the past year. The Vancouver Police Department has developed a programme to track these offenders, in order to better understand the extent and reasons for their offending. Police have identified nearly 600 of these offenders, mainly adults (562). At this point they have only identified 26 chronic young offenders. Most of these are male, although 10% of the adults and 20% of the youth are female. Police estimate that approximately 70% of the offences committed by chronic offenders in Vancouver take place in District 1 and District 2, which includes the downtown core.

On average, individuals appear in court approximately 7.6 times before their cases are concluded; 23% appear more than 10 times[47]. Data from Vancouver Provincial Court shows that in 2003/04, approximately 70% of adult offenders charged with a street crime offence met the definition of a chronic offender[48]. Multiplied by the number of offences committed by chronic offenders, this constitutes a significant demand on justice system resources. Data from BC Corrections indicates that approximately 12% of offenders generate 49% of the total admissions to correctional facilities[49]. It is clear that justice system resources are being strained by chronic offenders.

PEOPLE WITH ADDICTIONS

Many chronic offenders have drug or alcohol addictions. They steal to support their habits. The impact is immense. For example, one female chronic offender claims that she breaks into an average of 20 cars a day to support her drug habit. The size and nature of the drug scene in Vancouver can be illustrated in several ways. For example, there are over 9000 IV drug users in the Vancouver Health Services Delivery Area. In a recent survey of open drug users, the majority were found to be over 30 years of age[50]. Crack cocaine is the drug of choice in the Downtown Eastside, but methamphetamine use is increasing rapidly.

Drug users in the Downtown Eastside - Quick Facts: (A survey of users)[51]

- ➜ 74% had criminal records
- ➜ 61% commit crimes regularly to pay for drugs
- ➜ 54% had not been criminally charged with any offence in the last 5 years
- ➜ 46% regularly use 2 or more illicit drugs
- ➜ 43% of those convicted received a jail sentence
- ➜ 26% had received a jail sentence greater than 30 days

PEOPLE WITH MENTAL HEALTH PROBLEMS

Some of the people involved in criminal or disorderly behaviour are mentally ill or have other types of mental health problems (such as cognitive impairments). The residents in the West End said that many of the panhandlers appear to have mental illnesses, and find the West End safer than the Downtown Eastside, where they would be vulnerable to abuse.

Fetal Alcohol Spectrum Disorder (FASD) is a serious concern as well, and while many people recognize that it contributes to street crime and disorder, there is little data to track the prevalence of FASD among the people who are responsible for these activities.

The most common offences committed by people with mental health problems are thefts under $5,000, assaults, and breaches of court orders. When consulting with a group from Chinatown, the Working Group learned that the number of mentally ill people in that part of town, and the behaviour they exhibit, are perceived to be more threatening than those who are addicted to drugs. The Community Corrections office serving the Downtown Eastside estimates that at least 50% of their clients on bail or probation have received mental health services before coming into contact with the criminal justice system. One survey found that there were over 2000 court appearances by people with mental health problems in four months in Vancouver Provincial Courts. Vancouver Coastal Health Authority reports that there are currently 11,172 clients for the Mental Health System in Vancouver Community.

PEOPLE WITH MENTAL ILLNESS AND ADDICTIONS (DUAL DIAGNOSES)

Danny's story, at the beginning of this report, profiled one of these offenders who had not only a mental illness but an addiction to crystal methamphetamine. He committed a range of offences and made frequent appearances in court. Statistics show that the most common offences committed by people with mental health problems are thefts under $5,000, assaults, and breaches of court orders. These offenders, like Danny, make many court appearances in Vancouver.

Court Appearances by Offenders with Mental Illness[52] - Quick Facts:

- Over 76 Court days from June - September 2004 there were 2354 appearances by people who were identified as having mental health issues. Between 35-40 offenders with symptoms of mental illness appear in the Vancouver Provincial Courts each day.
- From June - September 2004, the offences for which they were most frequently charged were:
  - Theft Under $5,000 = 520
  - Assault = 407
  - Breach of Bail or Probation = 344
  - Threat = 134
  - Mischief = 114

Danny may be a typical chronic offender who suffers from both mental illness and drug addiction. This pattern, commonly referred to as "dual diagnosis," is emerging as a serious problem. Again, exact numbers are not available to show how many offenders have both a mental illness and an addiction; however, the Street Crime Working Group heard from health professionals that many of the people in Vancouver who have mental illness also struggle with drug addiction.

Dual diagnoses present problems, as more than one branch of the health care system may be involved in both the assessment and the treatment of one individual. If the person first comes to the attention of the justice system, it is possible that an assessment may not have been done. If a person is receiving treatment at all, it may only be addressing one of these conditions.

YOUTH/HOMELESSNESS

The Working Group had identified youth as a special area of interest. Very few youth have been identified as chronic offenders in Vancouver (as noted earlier, only 26 out of 588 chronic offenders identified by police were youth). Part of this may stem from the definition of 'youth' that is used in the criminal law (persons 12-17 years of age). Many of the street people described by members of the public appear to be young, under 30 years of age, but not under 18 years. It may also be that many of the youth that would in the past have been formally charged are now being diverted from the court system pursuant to the *Youth Criminal Justice Act*.

Some research[53] suggests that street youth, and specifically those who are homeless, are far more likely to become 'embedded' in criminal street networks and become exposed to crime 'mentors' - an effect that increases the longer the youth remains on the street. Living on the street exposes these youth to cultures of drug use, theft, and the sex trade. As noted, the Street Crime Working Group's concern about youth appears not to be supported by the statistics on the number of youth who are chronic offenders. Criminal justice system personnel have observed that since the implementation of the Youth Criminal Justice Act in 2003, the number of youth appearing in court has been reduced by about one-third.

Research at the Vancouver Pre-trial Service Centre in the early 1990s also found that homeless individuals were more likely to have a juvenile criminal history and an adult criminal record. The same research showed that a significantly higher proportion of homeless individuals had a mental illness compared to individuals who had housing[54]. Both the public and the members of the criminal justice system recognize that this is not simply a justice issue. Offenders need addictions treatment, therapy and support for mental illnesses, as well as appropriate housing, education, training and vocational programs if there is to be any prospect of changing their behaviour. It is the Working Group's view that the youth who are street-involved are likely to end up committing crimes as adults, and it is important to ensure that adequate prevention strategies and resources are in place to prevent this from happening.

HOW SYSTEMS RESPOND TO STREET CRIME AND HOW EFFECTIVE ARE THESE RESPONSES?

"Locking people up is not effective as the suspects just get out and come back again. There are lots of resources, strategies and tactics in the Downtown Eastside but there is no integration of the system. There must be other options than jail. But there must be alternatives for judges to send people to. There is a need to protect society but there is also a need for resources such as shelter, and social assistance." (From a Consultation with the West End Coordinating Committee, a citizens' action group, 2005)

The response to street crime and disorderly behaviour has been less effective than it could be and is a source of continual frustration not only to the general public but to professionals who deal with the offenders.

The particular observations on this problem are revealing. For example, the Street Crime Working Group heard from Crown Counsel that justice system personnel become numbed by the sheer volume of addicted offenders and the complexity of their underlying problems. They don't have the expertise or resources to perform the "social worker" role that is often required in these cases.

Lack of integration and coordination is frequently mentioned: police say that information is not shared within police agencies nor within the justice system generally. Criminal justice personnel say that police, Crown Counsel, court registry, Corrections and parole, all work independently and in isolation from the others. "The left hand doesn't know what the right hand is doing." If there is lack of coordination within the criminal justice system, the problem is worse when more than one system deals with an individual.

One Crown Counsel stated that the Crown is unsure of what resources exist for mentally disordered offenders, and that the criminal justice system is used as an indirect route to gain access to health services for mentally disordered offenders. Other stakeholders cited a lack of understanding of addictions/treatment issues in the judicial system.

The City of Vancouver has promoted an integrated approach to the illicit drug problem. However, consulted stakeholders felt that efforts to address street crime suffer from poor coordination between treatment and enforcement; similarly, poor working relationships and conflicting approaches were identified.

The size of the city of Vancouver was thought to contribute to organizations working in isolation from each other and adds to the difficulty in accessing information from health, police and immigration, as well as other community organizations.

What Can be Done?

Two themes prevailed in the findings of the Street Crime Working Group:

- Public confidence in the criminal justice system is low.
- New ways to deal with street crime and disorderly behaviour are required.

Only by feeling involved in the justice system's response to street crime and disorder will the public's confidence in the system increase.

The Street Crime Working Group heard that a range of responses is needed. Sometimes, jail is seen to be the answer, mainly in cases where there appear to be no other options. However many people said that targeted and appropriate services are needed to address the complex factors that contribute to crime. They noted that there are services available but these are not necessarily the right services, or at a sufficient level. When services exist, there is a concern that they may not be used effectively: frontline personnel may not be aware of the services, it may take too long to get a person into treatment, or the offender may not be assessed properly. The Working Group learned that the business community, which reports to be suffering significant losses due to these problems, generally stated that jail by itself is not the most effective response to street crime and disorderly conduct in Vancouver. Many members of the public consulted showed considerable insight into the underlying causes of crime, and the need to effectively address these causes. There is a high level of belief that jail does not do this. Generally there were recommendations for a continuum of care and increased liaising between services.

In order to increase public confidence, the justice system needs to work with the community to develop more effective approaches to dealing with street crime. At the public forum in April, one woman told of recently returning from New York City where she was able to walk in the downtown area free from unwanted attention from panhandlers or street people. She described the sharp contrast she observed upon returning to Vancouver, where she was unable to walk one city block without being accosted several times.

The Working Group recommends a new approach that includes:

- Defining a role for the public in the criminal justice system through the creation of Community Justice Advisory Boards and annual Street Crime Plans;
- Applying a triage approach to chronic offenders in the criminal justice system;
- Integrating the justice system with health and social services by creating an Urgent Response Centre to provide "wrap-around services" and a Chronic Offenders Pilot Project;
- Creating a Vancouver Community Court; and
- Ensuring there is funding and accountability for these recommendations.

The following is a summary of what was learned and the Working Group's specific recommendations for a response designed to address the street crime issues unique to Vancouver.

A CRIMINAL JUSTICE SYSTEM WITH A FOCUS ON THE COMMUNITY

"Members of the justice system are completely out of touch with the public's concerns about offences. The average citizen is most affected by property offences - [they] see 10 times the number of property offences than violent offences. The message being sent is that non-violent crime is not really crime – i.e., property crime is a nuisance not a crime. The bench and the bar need to realize that if you don't deal with petty crimes, you invite more serious offences." (From the Main St. Provincial Crown Counsel and Support Staff Consultation, May and June, 2004)

The Police

The police are often considered the "front line" of the criminal justice system, and have daily dealings with all kinds of people in a variety of conditions and circumstances. Their knowledge of the conditions engendered by poverty, drug addiction, illness and homelessness is first hand and thorough.

The police acknowledge their frustration at the public's expectations that the police take sole responsibility for the visible problems caused by addictions, homelessness, poverty, physical and mental illness. As one of the District Commanders for the downtown area put it, "I find it hard to believe I live in a city where people have to live in cardboard boxes in alleys". These issues have become more obvious since the de-institutionalization of mentally ill people in the Lower Mainland. Many of these people have congregated in the downtown area, and cause considerable public concern. These problems are the subject of a high volume of calls for service from the police. Significantly, these calls often do not disclose any crime being committed, but they do indicate the obvious concern on the part of the public about the behaviour of some street people and the impact it has on the lives of others in the community. These situations can escalate and at times have led to crises such as the shooting by police of mentally ill persons, and allegations of police misconduct.

The Working Group learned that the Vancouver Police Department has been particularly proactive in some areas, and has developed some effective enforcement strategies and linkages with the community. For example, starting in April 2003 the police dedicated a squad to increase their visibility and effectiveness in the Downtown Eastside. While there was some negative publicity about this initiative, there have also been visible improvements in the parts of town targeted. They have also conducted targeted enforcement against the Single Room Occupancy Units, hotels, bars and pawn shops that thrive in the conditions of the Downtown Eastside and profit from others' poverty. When there were complaints about displacement of the problems from the Downtown Eastside to other parts of town, the police responded by increasing their already active liaison functions with residents' and business associations in other areas of the downtown core. They have formed partnerships with some private security and volunteer-based agencies to collaborate on improving safety in different areas. And even while cracking down on street crime in the Downtown Eastside, the police took some innovative steps to build relationships with that community, such as providing self-defence classes for sex trade workers in the area.

During the Working Group's consultations, the public in Vancouver consistently expressed a wish for more police, and police with greater visibility in the downtown core. They related incidents where they felt the police had responded either too late or with little interest in their problem. Low level crimes or disorderly conduct were often not given the attention by the police that the public expected.

In turn, the police expressed their frustrations about what they perceive as lack of support from the rest of the justice system, especially towards minor, or low level offences. The Working Group heard from the public that the low level criminal offences, and the behaviour that is disorderly without even reaching the threshold of criminal conduct, are the most detrimental to their quality of life.

The call for more police visibility and response was tempered by concerns from some groups about being unfairly targeted. Street-involved youth expressed distrust for the police, and generally stated that they felt harassed by police. They also said that the police tended not to respond when a street youth was the victim of a crime. A member of the Aboriginal community said that Aboriginal offenders are being disproportionately singled out by the police, and as a result, receiving disproportionate sentences. A similar concern was voiced at a consultation with people with mental health problems: the mentally ill are vulnerable to being unfairly targeted by the police. One person told of a client who left a mental health clinic with a box of cereal and other goods which he had been given at the clinic, sticking out of his backpack. He was stopped by the police who assumed he had stolen it. As a counterpoint, the Street Crime Working Group heard stories of people who saw police officers as friends. One mental health client who is also a crack user told of police encouraging him to leave the Downtown Eastside, get help for his crack addiction and find a job.

Crown Counsel

The public has less direct contact with other criminal justice personnel, so there were fewer comments about them. The Working Group did hear some concerns about the ability of Crown Counsel to make decisions about the public interest when they operate in relative isolation from the community, and have little interaction with the general public except as victims or witnesses. It was also felt that Crown Counsel would take minor crimes more seriously if they better understood the impact on the community as a whole.

Corrections

There were also comments from the groups consulted indicating some degree of lack of confidence in the probation system (Community Corrections) to supervise and enforce orders of the court. On the other hand, probation officers themselves express frustration at other parts of the criminal justice system who fail to do their part to enforce probation orders in courts. The Corrections policy not to provide access to treatment for offenders on bail also drew some criticism from some members of the criminal defence bar and other stakeholders. One addicted offender said that probation was nothing more than a place to sign in and sign out. Another suggested that there is a "need to hire people who have life experience with the justice system and addictions to work as probation officers and to work as a liaison with probation officers". One of these offenders also stated that the location of the probation office is a problem as it is outside of the courthouse, too far away (although it is next door), and that immediate on-site access is needed.

The Judiciary

With respect to the judiciary, some members of the groups consulted expressed concern about lenient sentences, while many others observed that jail really doesn't change anything for the offender, so is unlikely to prevent further offending. Despite their recognition of the need for judicial independence, members of the public expressed great appreciation when the Chief Judge of the Provincial Court attended the Street Crime Working Group's two public forums, and took other steps to communicate about the role of the courts to the public.

Connecting the Public to the Criminal Justice System

"What I saw at Red Hook was about engaging the community in finding a way of resolving problems, dealing with the consequences, engaging the individual in changing their chaotic lifestyle; it was about the prosecution wanting to get a satisfactory solution, and the defence wanting to make sure their client lived a decent and different life in the future when they knew they were guilty. It was about the community coming together physically as well as intellectually and practically, to help do something about it and using volunteers." (The former British Home Secretary described the Red Hook Community Justice Center, 2004)

Members of the public also expressed willingness to work with the justice system. A person attending a consultation with members of the Aboriginal community said: "The community needs to become more involved if we want to change the justice system. People think it isn't their problem: others are frustrated with the justice system. Without the support of the community, it will be more difficult to make changes to the justice system." The Working Group's consultation with the Chinatown business community representatives also revealed a strong interest in taking a more participatory role in the administration of justice in Vancouver and recognition that new approaches are needed.

From all of these comments, the Working Group reached its recommendations about continuing the emphasis on building close ties between the community and criminal justice personnel, building public confidence in the criminal justice system, helping to link the police to other components of the criminal justice system and encouraging the police to use their "street sense" about when to divert mentally ill or addicted offenders away from the justice system to health or social services.

While the Working Group's recommendations reflect the need for the criminal justice system to be more responsive to the concerns of the community, it also relies on the community members' willingness to take responsibility for their role in addressing street crime. The number of residents' and business associations presently seeking to link with the criminal justice system is an indication of the willingness of community members to become actively involved. The Working Group notes that an informed public is better able to participate in the criminal justice process. For example, a basic understanding of what is and is not a crime would assist members of the public in making informed recommendations about how to handle a range of activities such as 'binning' or panhandling. Similarly, an understanding of the charging process is important for members of the public who wish to provide advice on why it may be in the public interest to give priority to certain crimes.

Restorative Justice

The Working Group supports promoting the involvement of members of the public in the criminal justice system. Currently, there are a limited number of mechanisms which allow this to occur, such as restorative justice practices which seek to heal the harm resulting from an offence by involving the victim, the offender and the community in a resolution. Aboriginal people who were consulted found restorative and traditional Aboriginal justice practices particularly positive approaches that give the Aboriginal community opportunities to participate.

One Aboriginal person said, "Restorative justice works when it is done with the support of the community. It is gratifying for the community to be involved." Several members of the Aboriginal community said that they feel they were peripheral and disconnected from the 'white system' of justice, health care, and social services.

Community Accountability Panels

Community partnership with the justice system can take many forms. Community Accountability Panels are diversion programs that involve the community in responding to crime. They follow the principles of Restorative Justice to hold low-risk offenders accountable for their actions, give victims opportunities to speak about how the crime has affected them and encourage community members to be involved in identifying an appropriate resolution. These are not currently in wide use in Vancouver. The Working Group supports using them for youth.

Prevention

Some criminal justice personnel are already involved in crime prevention and early intervention activities in schools and the community. The Working Group recognizes the importance of this work, and the need to continue to build in that area.

Joint Justice Planning Initiatives

The ideas that emerged from the consultations done by the Street Crime Working Group were wide-ranging and difficult to capture within the scope of this report. Therefore the Working Group believes that there is a need for an ongoing joint planning initiative, which would involve community representatives and representatives of the justice, health and other relevant systems. This initiative would permit a collaborative approach to addressing street crime and disorderly conduct in Vancouver by jointly establishing priorities, reviewing gaps in practices and services, and identifying new ways of handling these issues. A community Street Crime Plan would be owned by all participating parties, and would reflect ongoing concerns. A key feature of the plan would be its renewable nature: the plan would be monitored, evaluated and adjusted on a regular basis. This would allow new strategies to be brought in as the face of street crime and other behaviours change in Vancouver. The flexibility of the plan would enhance its effectiveness.

The intention of a community plan would not be to develop a new bureaucracy of management and implementation. Rather, the plan should come from key stakeholders who have an interest in addressing the problems of street crime, and be implemented by those who are willing and open to changes in how these problems are addressed.

In order to ensure this planning is well-informed, more information is required about the resources currently available to address street crime and its causes. Millions of dollars are spent on services in downtown Vancouver, but there are questions from individuals in every group consulted, from users of the services to business people, about the value being derived from the expenditure on some of these services. There is also a problem of front line workers, including police, not knowing what services are available or when they should be used. As a first step, improved information regarding relevant services should be collected and made available to those who work in areas related to street crime.

RECOMMENDATIONS

Involve the community in the criminal justice system.

- A Community Justice Advisory Board including criminal justice system personnel and the public should be established. Regular public meetings should be convened to give the community an opportunity to participate in identifying public safety priorities, developing approaches to street crime and disorder and discussing the success of these strategies.
- A Street Crime Plan should be developed and implemented by the Community Justice Advisory Board, based on the priorities identified at its public meetings. This Plan should be reviewed and renewed annually.
- At the community meetings, criminal justice personnel should encourage community based organizations to participate in the justice system, for example, to identify projects for community work service and to identify opportunities for employment training.
- Community involvement should be promoted by a public education strategy to raise awareness about the criminal justice system, the roles of the police, Crown Counsel, the courts and Corrections and to encourage involvement of members of the public.
- The visibility of the police on the streets should be increased.
- Community Accountability Programs for Youth should be implemented in downtown Vancouver to provide an opportunity for low-level youthful offenders to engage in facilitated discussions with the community about the impact of street crime.
- Criminal Justice system personnel should continue to be involved in early intervention and crime prevention programmes in schools and the community.

ASSESSING AND RESPONDING TO THE CAUSES OF CRIME

"I cannot see that there has been anything gained by subjecting a very sick individual to a process intended for those who are able to understand what is actually going on. In fact, this whole process served only to add severe stress to my son's mental condition and to exacerbate and prolong his illness. Between May 4 and September 17, 2004, my son was dragged into court eight times (including eight flights back and forth across the Straight of Georgia in handcuffs and shackles). On only two of these occasions was he in a 'fit' state. During his 5-month period of mental illness, he spent 46 days in jail, 92 days in hospitals and 10 days wandering the streets on bail.... From a mother's perspective, you can no doubt appreciate the heartache I felt when visiting my very sick and delusional son through a Plexiglas barrier and listening with a phone to an hour of his manic and delusional chatter. There sat a man who was unaware of his condition and accused of a crime he wouldn't be capable of committing unless his brain was in a disordered state. Why was he being punished? Because he was mentally ill? Why was he housed in this potentially unsafe environment and not in a hospital receiving proper treatment and care? This whole situation was very disturbing and I feel that the powers allowing such situations to exist should be ashamed.... The results of lack of treatment, no housing and insufficient income assistance can be seen in living

colour on the streets of Vancouver and in many other parts of B.C." (From a letter to the Attorney General from the mother of a mentally ill man, October, 2004)

In the course of the Working Group's consultations, a high degree of tolerance and understanding was evident in discussions about the contribution of mental illness, addictions and homelessness to street crime. It appears to be almost universally accepted that there are offenders in the criminal justice system who are there only because of these underlying causes. There is also broad-based agreement that it would be more effective to respond to some of those offenders in other, more rehabilitative ways, as long as these responses also address public safety.

The Working Group recognized that effective assessment is key to the appropriate streaming of offenders. Perhaps the first problem in terms of assessment is that some offenders have undiagnosed mental health problems, including FASD. These problems can lead to addictions which, in turn, can lead to offending. Consultation with Aboriginal people in particular emphasized the need to look at the personal history of each individual and examine the causes of their drug or alcohol use.

As was evident from Danny's story, chronic offenders present broad challenges to assessment, since they may have multiple health problems as well as economic and lifestyle difficulties that combine to contribute to continued offending. Their needs must be prioritized so that, for example, a person finds stable housing before trying to deal with addiction.

As noted previously, homelessness is a contributing factor to street crime. On September 24, 2004, the Premier announced a Task Force on Homelessness, Mental Illness and Addictions. The task force includes the Mayor of Vancouver, as well as six other mayors of BC municipalities. In December 2004, the Task Force announced that $23.7 million in provincial funding would be dedicated to housing developments for the homeless. Two of these will be in Vancouver. Announcements about other projects are expected. This work complements the work of the Street Crime Working Group.

For those people who cause continual disturbances with conduct such as aggressive panhandling or low level offences such as trespassing, the assessments may largely involve health system professionals. However, for many chronic offenders, the frequency of offences eventually requires a justice system response. The justice system's ability to adequately protect the public through sentencing is too often handicapped by the inability to access assessments done by the health sector. These could be key in determining whether jail or treatment would be most effective in protecting the public in the long term.

Many members of the public feel that at times jail is necessary, and sometimes the sentences should be lengthy. But they acknowledge that jail will not solve any of the underlying causes of crime or prevent crime in the future. The best way to distinguish between offenders who need to be jailed and those who need and are ready for treatment is a prompt, comprehensive assessment. Each professional assessing the offender should have as much information as possible about that person's criminal and other relevant history.

When offenders are released, conditions imposed by the justice system should be determined with some knowledge of the person's capacity to comply with the conditions and an understanding of the context into which the person is released. This would help reduce unintended consequences of court orders leading to further offences.

Special attention must be paid to youth in conflict with the law and youth involved in the sex trade. Support systems to help youth leave the street life should be developed. Early assessment and treatment are critical so that youth do not become entrenched in addiction, mental illness and crime. While early assessments are important, they will have limited effect if there is no treatment available to address the issues they identify. It is critical that proper resources be available to provide treatment, counselling, affordable and safe housing, or other assistance to respond to the underlying causes of criminal activity.

RECOMMENDATIONS

Apply a triage approach to chronic offenders in the criminal justice system

- An assessment team including professionals from the health and social services should be established to assist the criminal justice system to identify needs of offenders that relate to their criminal or disorderly conduct.
- This enhanced assessment process should be used to assist in distinguishing between offenders who would most appropriately be referred to treatment or rehabilitation, and those whose conduct and circumstances require a court sanction. For offenders going into the court system, this coordinated approach should produce a complete history of relevant aspects of the offender's circumstances, background, needs and criminal history. For chronic offenders particularly, this should include reliable information about past efforts to link offenders to treatment and services.
- Where consistent with public safety needs, police and Crown Counsel should be encouraged through training and operational policies to use the assessment to consider directing offenders into the health or social services system, where adequate treatment resources exist. Such diversion should be encouraged at every stage, before and after an offender's entry into the court process.
- The number of shelters, safe houses and supported housing beds should be increased for youth involved in the sex trade and street youth. Second stage support housing for youth with addictions or mental health problems should also be increased.
- The capacity of mental health and addiction services for youth and young adults (ages 18 to 24) should be increased, and in particular detox and residential addictions treatment services, and programmes for the early detection of psychosis. Special attention should be given to providing services for Aboriginal youth.
- The increased use of integrated interministerial approaches and transition planning to target young adults is required.
- Enhanced assessment and intervention for neuro-developmental disorders is required.
- The Street Crime Working Group supports the development of the proposed Downtown Integrated Youth Services Centre and enhancement of outpatient youth mental health and addictions treatment services. An integrated youth services centre for Aboriginal youth with similar services should be developed.

INCREASING THE INTEGRATION OF THE CRIMINAL JUSTICE SYSTEM WITH HEALTH AND SOCIAL SERVICES

"If a person is operating at a bare subsistence level, they seldom remember anything from the day before and holding onto a slip of paper with a court date is only another thing they cannot do. So the sheer hopelessness of their lives puts a court appearance out of reach of their capabilities and/or priorities." (From Street Crime Working Group Forum, June 2004)

Over the last three years, individuals charged with lower level offences appeared in court an average of 7.6 times before their cases were concluded. Twenty one percent of these individuals appeared in court over 10 times before their case concluded (see Appendix A).

A theme of this report is that the primary response to street crime and disorderly behaviour currently comes from the criminal justice system and this response is not the most effective. Partnerships with other systems would increase the likelihood that offenders are dealt with effectively. However, partnerships are impeded by the lack of knowledge in the criminal justice system about other systems, and vice versa.

Vancouver Chronic Offender Project

A sub-committee of the Working Group has collaborated with the Vancouver Coastal Health Authority and the Vancouver Police Department in developing a pilot Chronic Offenders Project, which would identify, track and compile relevant histories on some of the most frequent offenders in the city. This project would identify 25 chronic offenders, determine the type of services they currently access and identify other programmes that could potentially benefit them. A new and innovative set of interventions would be developed, implemented and studied to evaluate their effectiveness. The project would be built on new linkages between police, Crown Counsel, Corrections and health service providers, and is intended to test the feasibility of collaborative approach to addiction treatment that could impact the pattern of chronic offending. In the future, this project would also be linked to the Urgent Response Centre, providing an on-site, continuum of services, and could operate within the existing court structure, or in conjunction with a community court, if one is to be developed.

Better systems integration would lead to improved access to information about offenders' present circumstances and history. Added to that, having a full range of health and social services on hand would allow the Court to impose sentences that would actually begin to address the problems faced by each offender. Ideally these services would be co-located with the Court, so that offenders could move easily from the Court to the services.

At present, many offenders released from jail on terms to attend for treatment or counselling at some other site simply don't make it, as they lack the capacity or assistance to get there.

This in turn leads to new charges, arrests and more court appearances when the offenders breach the terms of their release. The Working Group identified an opportunity to prevent such breaches by having the court more involved in planning for the release of offenders, whether on bail or after sentence.

Urgent Response Centre

The Working Group worked with the Vancouver Coastal Health Authority on a proposal for an Urgent Response Centre. This Centre would be in a building in close proximity to the Vancouver Provincial Courthouse, which would provide urgent care for people needing sobering and detox, among other things. The proposal would extend this plan, and bring together health, social and justice services in one building to provide improved health care for the mentally ill and addicted, and referrals for housing, income assistance and employment training. This would provide the "wrap around services" for the Community Court, as well as a consolidation of services for others in the community. It is proposed that this would be the resource used by the Community Court to provide assessments of offenders appearing in court. The target clientele of this center would be chronic offenders in the criminal justice system, repeat users of emergency departments, homeless people and those who cause disorder in the streets due to mental health or addiction problems. It would provide a place for the police to bring people in urgent need of sobering, and would provide triage to determine other needs.

Lack of Systems Knowledge

The lack of knowledge and understanding of the other component parts is one of the most glaring deficits in the present system. This deficit was graphically illustrated at one of the early meetings of the Street Crime Working Group. The working group discussed a community facility used by the courts as a place to release offenders. While Crown, defence counsel and the courts believe they are sending the offenders to a supportive environment, health representatives said that the terms of release requiring complete, immediate abstinence from drugs or alcohol can potentially set the offenders up for failure. If the offender breaches the court order by using drugs or alcohol, often very soon after release from court, the facility expels them for breaking the house rules. This in turn results in the offender being homeless, still addicted and now living without their monthly welfare payment, which has been turned over in its entirety to the facility they were released to. These offenders predictably often turn to crime in order to support themselves and their habits.

The lesson learned is that one part of the system may act with the best intentions, but can be entirely counter-productive when acting without sufficient knowledge of the other systems involved. There are a wide variety of services available in downtown Vancouver which could have relevance to street crime issues. Almost without exception and across a broad range of interest groups, the public and stakeholders want to know how many services exist, what they offer, how they can be accessed and whether there is duplication among them. There is a need for a review and rationalization of these services. The Vancouver Agreement office has already begun work on creating an inventory, but has found it complicated by frequent changes of programs, funding, government policies and demographics.

Where there are gaps identified, it is essential that sufficient funding be made available for the range of health and social services required to provide alternatives to the criminal justice system and to have any effect on the underlying causes of street crime.

Information Sharing

Other needed links between systems could be created by sharing information among agencies. In trying to collect data in the course of the needs assessment for this report, the Working Group found that data captured by the police at the "front end" could not be followed through the court system in sufficient detail to be useful. For example, police data will show that a theft from a car occurred in a particular location within Vancouver, but when a charge is laid and that case goes into the court system, some useful details in the data are not tracked. The court data tells us only how many charges relating to thefts went to court in Vancouver (the specific location of the offence is lost) and the type of charge generally (theft, which could be any kind of theft including shoplifting).

There are other examples of disconnects in information pathways, not the least of which is the present lack of ability to collate mental health and addictions treatment records with criminal justice records. A provincial interministry group on people with mental and substance abuse disorders in conflict with the criminal justice system has undertaken work over the past few years to try to improve this disconnect, and the release of their recommendations in this area is pending.

Access to reliable, current information is necessary to better manage the various components of the system, as well as to manage the cases of individual offenders.

Professional Roles and Responsibilities

The effectiveness of these recommendations will depend on the professionals involved exchanging information in a meaningful way. This will mean breaking down some of the barriers that currently exist, barriers that lead professionals to narrowly interpret their responsibilities. The Working Group heard examples of justice system personnel resisting being put into the role of 'social worker', which is understandable. However, an overly-rigid interpretation of the role of any of the personnel involved could lead to counter-productive outcomes.

To break down these barriers it may be required for professionals to think outside their traditional roles, turning their focus to the outcomes for each offender, and the effectiveness of their decisions for the community in the long term. A jail sentence by itself offers relatively limited protection to the public from a chronic re-offender, but offers a short-term solution to justice personnel who have no access to or familiarity with treatment options that might be appropriately combined with a jail or probation sentence.

RECOMMENDATIONS

Integrate the criminal justice system with relevant health and social services.

- Work should continue to develop a "wrap around services" centre, located at or near to the Provincial Court in Vancouver. The Centre should include social services such as income assistance, housing referrals and employment training referrals, and be available to the court for referrals and assessments. These services should have as their focus the assessment of the contributing factors to an offender's behaviour, including combinations of such factors as addictions, mental or other illnesses, or homelessness.

- The Street Crime Working Group recommends and has already begun development of a Chronic Offender Pilot Project, to focus on bringing together police, health, Crown and corrections information to prepare a complete package of information for the Court and to develop individualized plans for each offender. Plans could include everything from counselling, treatment, supervision to jail. It is hoped that this project will help identify the factors contributing to criminal behaviour and to try to disrupt the cycle of crime by addressing some of those factors.

- Awareness should be raised among justice system personnel of the services for street crime offenders who might benefit from assessment and treatment for addiction, mental disorders, other health conditions, or for referrals to housing and income assistance.

- Crown Counsel and other criminal justice system personnel involved in the Bail Court should receive enhanced training in dealing with mentally disordered offenders, to help stream offenders effectively and strengthen the linkage between the courts and the health system. Crown Counsel and other criminal justice system personnel should receive regular updates from health services about facilities that are available for the treatment of mentally disordered offenders.

- The coordination and collaboration of inter-agency services aimed at high risk street youth and services to assist these youth to exit their street life should be improved. The DISC programme (Deter and Identify Sex Trade Consumers) developed by the Vancouver Police Department and community partners should receive support from other criminal justice system components.

- Better information about existing, publicly funded services relevant to street crime should be made available to criminal justice health and social services personnel to better coordinate the management of services and reduce duplication.

- Linkages should be created between agencies to facilitate data collection among the health, social and justice systems. Agencies should collaborate on identifying the types of information to be collected, giving consideration to the value of both information sharing and privacy rights, as appropriate.

- Adequate funding should be put in place to ensure there is capacity to sentence or divert offenders to programmes that will in the long term provide effective and efficient intervention in criminal behaviour.

- Training should be continued and enhanced for police and other justice system personnel relating to addiction, mental health and crisis intervention.

- Where appropriate, justice system, health and social service personnel should assist each other with cross discipline training.

CHANGING HOW COURTS RESPOND TO STREET CRIME AND CHRONIC OFFENDERS

"In recent years, a disturbing gap has opened up between the criminal justice system and communities that experience crime and its consequences. Many citizens have come to view the criminal justice system as collections of remote, inhospitable bureaucracies more concerned with counting cases than make sure each case counts. Across the country, new trends in the administration of justice are emerging to respond to this… One of the most notable is the development of community courts." ("Problem

Solving Justice: responding to real problems, real people," written by the Center for Court Innovation)

Community Courts

At the Street Crime Working Group's first public forum, guest speakers from the Centre for Court Innovation in Manhattan and from the Community Prosecutor's office in Portland, Oregon were featured. They generated considerable interest in alternative approaches to street crime. Putting aside the differences between American and Canadian legal systems, the Working Group became very interested in those two examples, and conducting further research into similar projects in other jurisdictions. The Working Group recommends the development of a Community Court to bring a much-needed alternate approach to the problems Vancouver presently faces with street crime.

Having reviewed other jurisdictions' versions, the Working Group identified the key features that would define a Vancouver Community Court. The most fundamental of these is a shift of focus and function from a conventional court that adjudicates guilt or innocence, to a court that tries to solve problems by getting at the underlying causes of crime in the case of each offender. What is different is a better system to identify and separate offenders who require significant jail sentences from those who are willing and appropriate candidates for sentences including treatment or rehabilitation. This court would only hear cases of offenders willing to plead guilty, with the advice of duty counsel. The Court would not be restricted to rehabilitative sentences, but would rely on the full range of sentencing, including jail where necessary. Where possible, sentences would be an attempt to repair the harm caused by the offence. Sentences would be imposed in a way that is visible in the community, and in a way that is timely, if possible at the first appearance of the offender in court.

Compliance with sentences would be monitored and enforced through the Community Court. The Court would be connected to the community by the Community Justice Advisory Board, which would keep the Court advised of current concerns in the community and also of the effectiveness of community-based sentences the Court has imposed. The Working Group also recognized in its discussions the potential for mediation to be used in selected circumstances in the criminal justice system, possibly in conjunction with Community Court, and thought this approach should be developed in future.

Vancouver Drug Treatment Court

Another initiative undertaken by a sub-committee of the Working Group is the expansion of the types of cases referred to Vancouver Drug Treatment Court. This Court, which is a pilot project and subject to an evaluation, is already operational in the Provincial Court on Main Street, and has taken an innovative, problem-solving approach to offenders motivated by drug addiction. It combines court and drug treatment components with a goal of reducing both addiction and criminal behaviour. The Judge functions as a case manager and offenders are required to appear frequently before the court to report on progress, over a period of one year. Until recently, only drug charges have been referred to this court.

The Working Group repeatedly heard concerns during consultations about the missed opportunity to send charges relating to property offences to Drug Treatment Court as well, as so many of these appear to be motivated by drug addiction. (Drug charges are prosecuted by federal Crown Counsel, while property and other criminal offences are prosecuted by the provincial Crown.) The Working Group sub-committee collaborated with provincial Crown Counsel in developing criteria and a protocol to refer property offences to the Drug Treatment Court, and a pilot project is underway.

No one on the Working Group expects that each offender would be "cured" by these approaches, but the hope is that there might eventually be a reduction in street crime by breaking the "revolving door" cycle.

It is also the hope that this would help build confidence in the court's ability to be accessible and responsive, and to ultimately better protect the public.

RECOMMENDATIONS

Change how courts respond to street crime and chronic offenders.

- The Working Group recommends implementing a pilot project for a Community Court for the Downtown Vancouver area. The Court would have a primary focus on problem-solving sentencing, rather than on the process of adjudication of guilt or innocence. This court should respond to street crime in an immediate, meaningful and visible way. It is recommended that such a court should:
    - be a separate and distinct court which is located in a building separate from the Vancouver Provincial Courthouse, co-located with the health and other social services such as housing, income assistance and employment training;
    - have a specifically designated judge and court staff;
    - provide a timely disposition when the offender is willing to plead guilty to a charge, ideally at the first appearance of the offender in court;
    - have ready access to an assessment of the background and underlying needs of each offender, which should be based on shared information from a variety of sources collaborating for this purpose;
    - have the technology to gain prompt access to information likely to be relevant to criminal justice personnel's decision-making;
    - have the full range of sentencing options available, including jail, but with an emphasis on community based sentences that could be carried out as quickly as possible;
    - emphasize the principles of both rehabilitation and protection of the public in sentencing, and whenever possible, apply principles of restorative justice with emphasis on personal accountability, recognition of the impact of street crime on victims and the whole community, and reparation for harm done;
    - include a dedicated duty counsel;
    - be closely linked through a dedicated Liaison Officer to addiction, mental health and general health services, particularly the Urgent Response Centre, and other social services such as housing, income assistance and employment training;
    - include a probation officer to coordinate the collection of information about each offender and as appropriate, provide that information to the Court along with information about services or programs that are appropriate and available;
    - include a Community Coordinator position to act as a bridge between the community and the Court, and
    - create and meet regularly with the Community Justice Advisory Board to stay informed of current issues in the community, and to ensure community-based sentences are working effectively.

- In general, any court dealing with street crime offenders in Vancouver should be fully informed and involved in planning for the offenders' release from custody, whether on bail or probation. Terms of release ideally should be designed to assist offenders break the cycle of addiction and reoffending, whenever possible.

- Court responses should be more timely. Criminal justice system personnel should work together to avoid multiple adjournments, particularly by linking offenders to counsel and services as soon as possible.

- Police should provide Crown Counsel with sufficient information to assist the court to understand the impact of street crime on the community, even for low level offences.

- Referrals to Drug Treatment Court for property offences should continue and be increased, if possible.

- Further work should be done to determine how to implement mediation practices in the criminal justice system, where appropriate.

IMPLEMENTING THE CHANGES

"An independent evaluation found that the Midtown Community Court had helped reduce local crime by 56 percent. And for the 1st time in more than forty years, the neighbourhood of Red Hook has completed a year without a single homicide.

There is also growing evidence to indicate that these models are shaping public perceptions of justice. Before the Red Hook Community Justice Center opened, 13 percent of Red Hook's community residents approved of courts; since it began operations in April 2000, more than 58 percent of residents approve of the Justice Center." ("Problem-Solving Justice: responding to real people," 2004)

Given that the health, justice and social service systems tend to work in isolation, there is a need for a common strategy to guide decisions about resource management, policies and practices in areas affecting street crime. If each sector of these systems could see the relevance and impact of each other's decisions, the result would be more integrated decision making, which in turn would lead to better outcomes. The planning and allocation of resources would be positively affected and overall system efficiency in responding to street crime would be improved.

The Working Group came to the conclusion that if these recommendations are to have any effect, they must be implemented by a cross agency body. This body would represent a collaboration of systems with a common goal, in order to maintain the valuable cross-system collaboration demonstrated within the Working Group.

There is a danger in seeing this report as a one-time exercise, with an evaluation and report at the end. The Street Crime Working Group believes that in order to change the traditional way of dealing with street crime and disorderly conduct it is important to establish mechanisms that will allow continued flexibility in the response systems. In other words, ongoing change is necessary, and that change itself must be built into the institutions.

An example of 'institutionalizing flexibility' is the community Street Crime Plan proposed in this report (see page 41, Joint Justice Planning Initiatives). This plan would be a mechanism for ongoing assessment of both street crime and the way the system is responding to it. All involved parties would monitor the impact of changes made and adjust the priorities, strategies and mechanisms as required.

RECOMMENDATIONS

Ensure there is funding and accountability for implementing these recommendations.

- The Provincial Government should establish a Community Health and Justice Committee for downtown Vancouver. The Committee would consist of representatives from each of the agencies with responsibility for implementation of these recommendations.
- The Community Health and Justice Committee will coordinate cross-agency implementation of these recommendations.
- The Community Health and Justice Committee should develop a comprehensive plan for implementing and evaluating these recommendations.
- The Community Health and Justice Committee will link with the Community Justice Advisory Board and assist with organizing its public meetings. The annual Street Crime Plan may include recommendations that affect how services are delivered.
- The Community Justice Advisory Board should report annually to the Mayor and the Attorney General.
- After reviewing existing services, funding must be made available to address any gaps in services that will be needed to implement these recommendations.

Conclusions

"Synergy", the combined effect of discrete parts that exceeds the sum of their individual effects, accurately describes what is missing from the current justice response to street crime. The Working Group itself worked synergistically. The particular combination of members from the justice and health sectors worked together in such a way that new understanding, knowledge and ideas could thrive. Recommendations reflected the benefit to be derived from bringing the relevant disciplines together to attack a problem in a new way, and create the relationships that could foster collaborative approaches such as the Chronic Offenders Pilot Project, Community Court and the development of a wrap-around service facility.

There is much to be gained by building a system that responds in concert to individual offenders, and to problems in the community. It is not just the health and criminal justice systems that need to connect. The community in general must be brought more into the process, and their knowledge of the problems and ideas for solutions should be respected. At the same time, the public should be provided with information that would lead to a better understanding of how the justice system operates, and the role it plays.

In the course of the Working Group's consultations, the downtown business community proved itself to be a source of knowledge, experience and interest in improving the problems of street crime, including innovations aimed at improving life for street people. The goodwill of the business and residential community to participate in collaborative responses to street crime should be developed. Many services and programmes presently exist that could be better-utilized in relation to the justice system. Others would require new funding, and will be essential if the recommendations of the Working Group are to be implemented.

While the public has high expectations, there are limits on the present level of resources. Even after a review and rationalization of existing services, and possible re-prioritizing within the justice serving agencies, new funding will be required. The credibility and success of new approaches depend on the existence of adequate services to support them. Without those services, the revolving door will not stop. Public safety, public health and reduction of street crime are closely linked. The public has demonstrated a strong interest in more involvement in the health and safety of the neighbourhoods in downtown Vancouver. These recommendations would help restore the public's confidence in a collaborative system that responds with both accountability and humanity.

Returning to Danny's Story

In returning to Danny's story at the opening of this report, consider the outcome that might have been possible if the recommendations in this report were implemented.

The police would be called on July 6 because Danny was knocking over newspaper boxes and café tables. The police would attend and assess the situation. If the Urgent Response Centre was operational, the police could have taken Danny there for a complete assessment of his problems. Since at this point his conduct was more in the nature of a troublesome nuisance, it might have been possible to keep him out of the justice system by linking him to appropriate mental health, social and housing services. If the circumstances required the involvement of the court, Danny could have had an assessment before he appeared before the Judge. If the court required further assessment, at least it would have some background against which to make that decision, including information about his health, addiction and homelessness. The Chronic Offender Program would likely have flagged him and added the Correctional and criminal history to the relevant health history. If the court released him to attend for treatment, the "wrap-around" services would mean that he could either access services in or next door to the Court, or would be escorted to a clinic. The services there could link Danny to housing, health and treatment care. If Danny committed a new offence after being released, the generally improved collaboration and information-sharing system would already have his complete history ready for the court. A dedicated court dealing only with street crime type offences would remove this case from the crush of the general remand court and away from the serious, violent offences which might tend to focus resources and attention away from this kind of case. The multiple court appearances by Danny would have been reduced, the two psychiatric assessments would not have been conducted and his needs, especially housing, would have been properly prioritized. Costs would be saved through the reduction of multiple court appearances, duplication of services used and failure to address the underlying causes of crime. His homelessness would have been dealt with before treatment orders and other terms were imposed, which would increase the likelihood he would be able to follow through with treatment. And in the long term, the public would be better protected and more confident that the justice and health system responded to their concerns in a meaningful way.

Appendix A - Needs Assessment

Needs Assessment of Street Crime and Disorderly Behaviour In Vancouver:
Summary of Consultations and Quantitative Data

Introduction

Street crime and disorderly behaviour have been identified as significant problems in Vancouver. There is no uniform definition of street crime, as it differs across communities.

Street crime and social disorder tend to be highly visible and gradually deteriorate the quality of life in a community. In addition to lower level crimes such as thefts from vehicles and open use of illicit drugs on the street, social disorder, such as panhandling, trespassing and loitering, are also of concern in Vancouver. A list of the offences considered street crimes and disorderly offences for the purpose of this analysis, is located in Attachment 1[55].

In order to gain a better understanding of the street crime and social disorder issues experienced in Vancouver, the Street Crime Working Group engaged in a literature review and a needs assessment. This Needs Assessment is attached as Appendix A to the Street Crime Working Group's Final Report to the Justice Review Task Force.

The Needs Assessment is comprised of information obtained from consultations with stakeholders in Vancouver, and an analysis of available quantitative data on street crime and social disorder.

This document will present information in four sections beginning with this *introduction* , followed by the second section that attempts to *define the problem*, next is an examination of *key themes*, and finally the section which is titled *working towards solutions*.

Consultations with Stakeholders

Members of the Street Crime Working Group engaged a wide range of government and non-governmental organizations, community agencies, and individuals in Vancouver through public consultations, focus groups and interviews. Stakeholders were asked a series of questions related to their perception of and experiences with: the positive aspects of living in Vancouver; public safety; street crime and social disorder; and how the justice system could improve the response to street crime issues.

The consultations also provided stakeholders with opportunities to comment on other related issues such as community strengths, social, health, and community services. A list of the consultations is provided in Attachment 3.

Quantitative Data

The Street Crime Working Group collected a substantial amount of data from justice, social service and health providers. This analysis focuses as closely as possible on the geographical area targeted by the Street Crime Working Group[56]. In many cases it was not possible to obtain data specifically for the geographical boundaries identified by the working group. Records management systems are improving, but there are multiple limitations to the available data on street crime. The varying sources and availability of data, the different methods of recording and collecting data, and the changing community priorities and justice system policies (e.g. police enforcement policies, prosecution policies) make it difficult to answer some of the questions that Working Group members have asked about street crime in Vancouver.

LITERATURE REVIEW

As mentioned above, the Working Group initiated a review of existing literature on street crime and disorder. The literature review, titled "Literature Review of the Issue of Street Crime in Vancouver", was developed to provide background information on street crime and street disorder.

It explores how street crime is defined, what causes street crime and street disorder, who commits street crime and disorder, and what other jurisdictions are doing to respond to street crime and street disorder. The Literature Review is attached as Appendix B to the Street Crime Working Group's Final Report.

Based on the literature review, consultations and analysis of available statistics, the Street Crime Working Group has made recommendations for new, integrated criminal justice and health responses to street crime and disorderly behaviour in Vancouver.

Defining the Problem

According to consultation participants, low level crimes, such as thefts; thefts from vehicles; break and enters (B&Es); and minor drug offences, are impacting a large number of people. Many of these people are concerned that the justice system is not effectively responding to these crimes.

The lack of an effective response to deal with these problems, particularly the problems caused by repeat offenders, has been a factor in the loss of public confidence in the justice system.

Some community members who were consulted say they are less willing to report minor crimes or testify in court because of lack of faith in the likelihood of consequences.

In addition to the low level crimes listed above, many people say that they are frustrated with, and some even say they are afraid of, aggressive panhandlers, beggars, loiterers, trespassers and squeegee people. Residents expressed concerns with finding used needles and condoms in public places. They expect the justice system to respond to these issues and often do not make a distinction between social disorder and crime.

The justice system seems to be concentrating its resources on the more serious crimes, but according to consultation participants, it is the less serious offences and social disorder that affect the most people in their quality of life.

DATA ON STREET CRIME AND SOCIAL DISORDER:

As noted above, the consultations revealed beliefs that there is a high level of property crime in the Vancouver neighbourhoods looked at by the Street Crime Working Group. Examples of major problems include theft from vehicles, theft of bicycles, and theft of vehicles.

Statistics Canada reports that of cities with a population over 500,000, Vancouver is second highest behind Winnipeg in its total crime rate and leads Canada's larger cities in the rate of property crime[57]. Among Canadian cities in 2002 Vancouver placed second only to Thunder Bay for police reported drug offences and was slightly higher than Victoria[58]. Statistics Canada reports that in 2002, the highest rates of business B&Es were in Vancouver. As with most property crimes, few B&E incidents are solved by the police[59].

CALLS FOR SERVICE AND REPORTED CRIMES[60]

In Vancouver, police calls for service show that the most prevalent calls for police service in Districts 1 and 2 are "person annoying", "suspicious person or circumstances", and "theft from auto"[61]. The Vancouver Police Department Calls for Service Data indicate that the most frequent calls for serviced are[62]:

Vancouver Police Department Calls For Service 2004/2005			
District 1:	1) Person Annoying[63] 2) Suspicious person/circumstance 3) Theft from auto 4) Theft in progress	District 2:	1) Person Annoying 2) Suspicious person/circumstances 3) Theft from auto 4) Disturbance

According to Vancouver Police Department Crime Index Reports (crimes reported to police) for 2002, 2003 and 2004, the most prevalent street crime incidents across Districts 1 and 2 appear to be theft from auto, theft and burglary.

Crime Index Report 2002			
Crime:	District 1 (D1)	District 2 (D2)	Downtown Eastside includes parts of D1 & D2)
Theft from Auto	7072	3580	2095
Theft	4513	1948	938
Burglary (B&E Business and Residence)	1464	1926	658
Theft of Vehicle	1482	1331	395
Drug Cases	437	1604	1339
Robbery	387	612	378

Crime Index Report 2003

Crime:	District 1 (D1)	District 2 (D2)	Downtown Eastside includes parts of D1 & D2)
Theft from Auto	6461	3016	1530
Theft	4530	2033	874
Burglary (B&E Business and Residence)	1787	2066	591
Theft of Vehicle	1356	1441	348
Drug Cases	716	1715	1392
Robbery	348	539	306

Crime Index Report 2004

Crime:	District 1 (D1)	District 2 (D2)	Downtown Eastside includes parts of D1 & D2)
Theft from Auto	5792	2811	1179
Theft	4655	2065	930
Burglary (B&E Business and Residence)	1597	1839	643
Theft of Vehicle	992	1276	242
Drug Cases	757	2129	1690
Robbery	355	504	301

CRIME RATES

Property offences are by far the most commonly reported of all offences. In the Fourth Quarter of 2003, property crime made up 78.2% of the total reported offences in Vancouver, followed by "Other Criminal Code offences" at 12.1% and violent crime at 9.7%[64].

It is difficult to make generalizations about trends in street crime statistics or determine whether a particular property crime is increasing or decreasing, because these statistics are affected by changes in community priorities, enforcement policies, and targeted enforcement operations in particular locations or against particular offences, as well as other factors. However, it appears that theft from autos and theft are the most prevalent offences across District 1 and District 2.

CONSULTATIONS WITH THE PUBLIC AND JUSTICE SYSTEM PERSONNEL

Some of the consultation participants spoke about the strengths of the justice system and noted that sometimes the justice system is the most appropriate way to hold people accountable for their criminal actions. Many of those consulted spoke about the skills and expertise of some criminal justice system personnel and acknowledged the dedication and commitment of police, Crown Counsel, defence counsel and other justice system personnel that face the challenge of responding to street crime issues.

Some stakeholders noted that neighbourhood and residents' associations, community crime prevention programs and other community based models were helping to improve their neighbourhoods.

Public Consultations also revealed concerns about street crime and social disorder across the Street Crime Working Group's area of focus. Residents in Downtown Vancouver, Chinatown, Downtown Eastside, Gastown, West End and Yaletown, all raised concerns with street crime and disorder. In addition to the concerns noted above, each neighbourhood has its own concerns. Examples of some of these concerns are provided here.

In 2004, the Downtown Vancouver Business Improvement Association (DVBIA) conducted a survey of the general public. 35% of those surveyed believe that the crime level has worsened. This increased by 17% since 2003. 23% said that they occasionally feel unsafe when they are downtown and 4% said they often feel unsafe.

The top reasons given for feeling unsafe were aggressive beggars, drug related activity, street people (such as beggars and loiterers) and people who are intoxicated[65].

Several residents and business owners in Chinatown said that in the last 15 years, there has been a decline in the number of people who visit Chinatown, because some local and foreign tourists are afraid to visit the area.

In the Downtown Eastside, some residents expressed concerns about increased intimidation and violence on the streets, which they felt is being fueled by poverty and addictions. They also spoke about the lack of safe, affordable housing in the neighbourhood.

Some West End residents raised concerns with property crimes, as well as an increase in social disorder, such as persons with a mental illness and homeless people wandering the neighbourhood, sleeping in parks, parking garages and in doorways. Staff and volunteers at one non-profit agency said that they do not feel safe walking to the agency because they have to navigate their way through a small crowd of street people, drugs addicts and dealers to get to the office.

Some Yaletown residents expressed frustration with an increase in property crime, such as thefts from cars and thefts of bicycles, as well as public nuisance and violence associated with people leaving the bars at night.

The justice system personnel who were consulted spoke of problems with repeat offenders who commit a large number of property crimes. They believe that many of these chronic offenders have issues with poor mental health and addictions.

The Vancouver Police Department notes that there are "hot spots" of street crime and social disorder in Vancouver. For example, 55% of all alleged criminals arrested last year in Vancouver were arrested within 700 metres of a SkyTrain station[66].

CONCERNS RAISED BY THE BUSINESS COMMUNITY

Some members of the business community expressed concern with street crime issues and the negative impact that these crimes have on businesses. The Street Crime Working Group has heard from business owners who say that businesses are closing because of street crime. Some owners believe that their customers are afraid to come downtown because of aggressive panhandlers and open drug dealing.

In a survey of 251 members of the Downtown Vancouver Business Improvement (DVBIA), 53% respondents stated that beggars and street people are a considerable problem (an 8% increase from 2003) and 77% stated that begging has worsened in Vancouver (a 23% increase since 2003)[67].

Several of the businesses that were consulted said that street crime and social disorder are having a negative impact on tourism. They said that some tour operators have stopped going to certain areas of Vancouver (e.g. Gastown and Queen Elizabeth Park), due to an increase in thefts experienced by tourists and by the tour companies whose small vans are repeatedly broken into and robbed.

Some businesses reported that they have hired private security because they believe that the police cannot or will not spend the time protecting them from low level crime and disorderly behaviour. Some businesses said that they do not always report break and enters (B&Es) due to increased insurance premiums and the lack of an effective justice system response.

Key Themes About Street Crime in Vancouver

The consultations showed that there is a growing recognition among those who live and work in Vancouver, that street crime, particularly the offences committed by repeat offenders, is not purely a justice issue.

Consultations and statistics indicate that many of the chronic re-offenders have addictions, are homeless, have mental health issues, and/or face other significant challenges. In the words of one stakeholder, "throwing these people in jail or fining panhandlers is not the solution. We need to look at the underlying issues and address them instead of using quick fix solutions"[68].

The following are the main themes arising from consultations with stakeholders:

CHRONIC OFFENDERS

Many of the justice system personnel who were consulted spoke of a "revolving door", in which some offenders continue to circulate through the justice system repeatedly with minor consequences. The quantitative data below supports this view, showing that a relatively small number of offenders are responsible for a significant number of crimes, particularly property crimes.

COURT APPEARANCES BY CHRONIC OFFENDERS

For the court data described in this section, a chronic offender is defined as an offender that has had 5 or more charges in a given 12 month period and/or has been convicted on 5 or more separate cases within the previous 4 years. The information below is considered a good estimate of the percentage of court appearances by chronic offenders based on available data from Vancouver Provincial Court and Robson Square Court.

Vancouver Provincial Court:[69]
In 2003/04 there were approximately 3,400 adult offenders charged with a street crime offence. Of those, an estimated 70% met the definition of a chronic offender.

Robson Square (youth offenders between the ages of 12 and 18 years):[70]
In 2003/04, there were approximately 318 youth offenders charged with a street crime offence[71]. Of those, 55% met the definition of a chronic offender.

ADMISSIONS TO CORRECTIONAL FACILITIES

In 1999, BC Corrections Branch reported that since 1975, 5% of all offenders were admitted more than 10 times and they generated 31% of all admissions to correctional facilities. An additional 7% were admitted between 6 and 10 times and generated another 18% of the admissions, meaning that 12% of the offenders generated 49% of the total admissions[72].

POLICE (CHRONIC OFFENDERS PROGRAM)

In 2004, in response to concerns about chronic offenders, Vancouver Police Department started the Chronic Offender Program, to identify and track repeat offenders and to gather information that would help increase understanding of chronic offending. The chronic offender program tracks all chronic offenders across Vancouver, not just street crime offenders or offenders in the Working Group's target area.

The Chronic Offenders Program defines a chronic offender as a person convicted of 5 or more separate offences within the last 4 years, or a person charged with 5 or more separate offences within the last year. The program began tracking chronic offenders in late June 2004 and as of January 31, 2005 had already identified 562 adult chronic offenders and 26 youth chronic offenders.

Approximately one half of the adult chronic offenders on Vancouver Police Department's chronic offender list were arrested 2 or more times between June 28, 2004 and January 31, 2005. Nearly one quarter were arrested 3 or more times. Approximately 10% of adult chronic offenders identified by the Chronic Offender Program are female and nearly 20% of youth chronic offenders are female. The Chronic Offender Program estimates that 70% of the offences committed by chronic offenders take place in District 1 and District 2.

IN THEIR OWN WORDS[73]

Officers with the Vancouver Police Chronic Offenders Program have been conducting "lifestyle interviews" with chronic offenders. The Street Crime Working Group obtained data from a small sample of these lifestyle interviews. This was not a random sample and the sample consisted of only 27 interviews, so it would not be appropriate to make any generalizations about chronic offenders based on the data. It is clear, however, that this data is consistent with what the Street Crime Working Group has learned about chronic offenders through the consultations and analyses of the available data on street crime and chronic offenders.

From the sample of 27 interviews with offenders, nearly 90% were male. The majority were between 25-40 years old, with the average age being 30. Approximately one quarter were First Nations, but ethnicity was only identified for 14 of the 27 offenders interviewed. The average grade of education completed was grade 9 and approximately 30% completed high school or had university education. The majority of offenders were not collecting income assistance. Approximately 60% said they were unemployed.

The housing situation was unknown for 8 of the 27 offenders. Out of the remaining 19 offenders, 15% said they were homeless; 26% said they were living in the Downtown Eastside; 7% said they were living outside of Vancouver; and 7% said they were living with family. About one third of offenders said that they committed shoplifting offences; 15% said they committed thefts from auto and another 15% said that they were arrested mainly for breach offences; 11% said that they committed drug offences.

The offenders indicated that the dollar value that they received upon selling the stolen property was half or less than half of the actual value. The offenders said that they sold the stolen property to people in the Downtown Eastside. None indicated that they used pawn shops.

Only 2 of the 27 offenders reported a history of mental illness and one for a significant mental illness. One offender reported a history of Fetal Alcohol Spectrum Disorder (FASD) and Attention Deficit Disorder (ADD).

DRUGS AND ADDICTIONS ISSUES

As noted in the literature review, research shows that there is a correlation between crime and the use of drugs, but drawing direct causal connections between the two should be undertaken cautiously, as many other factors have an influence on criminal events. The consultations and the available data seem to indicate that many chronic street crime offenders in Vancouver seem to have issues with drugs and/or alcohol misuse.

DATA ON ADDICTIONS ISSUES:

The Vancouver Coastal Health Authority (VCHA) estimates that there are over 9,000 IV drug users in the Vancouver Health Services Delivery Area[74].

Residents, service providers and drug users who were consulted in the Downtown Core and Downtown Eastside of Vancouver said that crack cocaine has been the drug of choice in Downtown Eastside for many years and that Methamphetamine use is increasing in the Vancouver Business District. A study of 100 illicit drug users in the Downtown Eastside, Treadmill of Addiction, found that the majority of people openly using drugs in Downtown Eastside are over 30 years old (experienced users)[75].

46% of the 100 respondents admitted to regularly using 2 or more illicit drugs (poly drug use). 59% said they would take drug treatment if it were available at the time of the survey. 65% said that the best place for addictions treatment services was outside of Vancouver, to help them to escape Downtown Eastside lifestyle.

CONSULTATION FINDINGS

The vast majority of those consulted mentioned that the open drug scene was a serious problem in Vancouver. People reported concerns about congregations of drug dealers and drug users openly using illicit drugs on the street and sometimes near schools. Criminal Justice System practitioners, social service providers and community members expressed the belief that drugs and alcohol use are fuelling the street crime problems.

- Residents in the West End spoke about cars coming side by side in alleys and bikes meeting on the street and in the alleys to engage in drug dealing one half of a block away from a school. At the beginning of the school year, one of the first school functions is to warn young children about syringes and condoms.
- Some Chinatown business owners said that people "shooting up" in alleys has a significant impact on perception of safety.
- Some Aboriginal residents and Aboriginal service providers in Vancouver talked about young children smoking crack outside an elementary school and young Aboriginal girls being recruited into the sex trade by gangs.
- Service providers and addicted clients said that people with addictions need to be able to access treatment immediately, as soon as they are ready to do so. They also said that alternative treatments are needed because 12 step programs do not work for everyone.
- Many of the groups that were consulted (Police, Crown Counsel, community agencies, youth and Aboriginal people), raised concerns about the increasing problems associated with Crystal Meth (Methamphetamine) use in Vancouver, including increased aggressive and psychotic behaviour of those who use the drug.

DRUG ADDICTION AND CRIME:

A sample of interviews with 27 chronic offenders interviewed as part of the Vancouver Police Department's Chronic Offender Program revealed that nearly 60% of them said that they commit crime to support their drug or alcohol addictions. Approximately two thirds said that their criminal behaviour was motivated by their drug or alcohol addiction.

Over three quarters of the offenders said that they use drugs. Only 15% said that they did not use drugs or alcohol. 52% of offenders stated that they had attended a recovery program and 30% stated that they had not attended any such program. For 19% of the offenders this was unknown.

In the study of 100 illicit drug users, the majority (61%) of respondents admitted to committing crimes regularly to fund their drug use.

Health Care Statistics from the Vancouver Jail for the period of July 1 to September 30 2004 show that drug and alcohol misuse is a problem for many of the offenders admitted to the Vancouver Jail[76]. Over 65% of admissions underwent Drug/Alcohol Withdrawal Intervention, and just over 5% were provided with Methadone treatment (which had begun in the community prior to admission to the Jail). Over 20% of all admissions were for State of Intoxication in a Public Place (SIPPS)/Breach of the Peace.

MENTAL ILLNESS/HEALTH ISSUES

In the Street Crime Working Group's consultations, many of those consulted said that they believe there is an increase in persons with a mental illness on the streets, some of whom are involved in street crime and disorderly behaviour.

They said that many of the people that appear to have mental health issues do not appear to be receiving adequate treatment and they expressed concern that there is a lack of mental health facilities and shelters and there is no effective means of dealing with the homeless and panhandlers.

As noted in the Literature Review, Appendix B of the Street Crime Working Group's Final Report, people who have a mental illness are not over represented in the justice system because they are inherently criminal. They are over represented because they have higher needs than average and experience certain risk factors for criminality more than average. They tend to be poorer, have addictions at a higher rate and tend to experience less success in social and economic pursuits. All of these characteristics will put any group at increased risk for criminality.

DATA ON MENTAL ILLNESS/HEALTH ISSUES:

Vancouver Coastal Health Authority states that there are currently 11,172 clients for the Mental Health system in the Vancouver Community[77].

In a recent provincial study on prevalence rates of mental illness/addictions within the Corrections population, a one-year scan for different categories of mental health/addiction issues was completed for individuals for the year prior to their involvement with the Community Corrections system. The categories consisted of serious mental illness, less serious mental illness, addictions, and cognitive disorders.

The number of Adult Community Corrections intakes across British Columbia during a 12 month period totaled 34,590. Of this total, 10,482 individuals (30%) had received Health Services for one of the above categories. The number of Youth Community Corrections intakes across BC during a 12 month period totaled 7084. Of this total, 1618 individuals (23%) had received Health Services for one of the above categories[78].

In 1999, researchers conducted a screening for Fetal Alcohol Spectrum Disorder (FASD) at the Youth Forensic Psychiatric Services in Burnaby, British Columbia; 23.3% of the youth screened were found to have some form of FASD. Of the 67 found to have FASD only 3 had been previously diagnosed[79].

This is an atypical sample population and caution should be exercised before making generalizations when examining this data. However, this prevalence does suggest a need for further examination of the relationship between youth (and adults) in conflict with the justice system and FASD.

Data from the MPA (Motivation, Power and Achievement) court workers in Vancouver for June to September 2004 indicates that a large number of people with mental health issues are in conflict with the justice system[80].

- Persons with symptoms of mental illness make approximately 35-40 appearances a day in Vancouver courts.
- Each court worker attends approximately 9.5 charges per day.
- In the 76 court days attended by the MPA court workers during the four month reporting period, there were 2354 appearances (including 146 failures to appear) by people who were identified as having mental health issues[81].
- *Most Frequent Charges*:
    - Theft Under $5,000 = 520
    - Assault = 407
    - Breach of Court-ordered conditions = 344
    - Threat = 134
    - Mischief = 114
- Court workers provided assistance 2116 times[82]

CONSULTATION FINDINGS

- Many of the people consulted, from justice system personnel to residents, said that they believe the deinstitutionalization movement and lack of supports in the community has resulted in large numbers of people with a mental illness left to take care of themselves.
- Some residents in the West End stated that there are a large number of individuals with mental health issues who wander around or panhandle in the West End.
- Several Chinatown focus group participants stated that they believe that there is a large number of mentally ill people who frequent Chinatown. They said that they are more afraid of these people with a mental illness than they are of drug addicts, due to their belief that the mentally ill are more unpredictable.
- Some police officers who work in the Downtown Eastside stated that they believe that a large number of people with a mental illness are living in the Downtown Eastside.
- Some justice system personnel who were consulted said that dual diagnosis is emerging as a serious problem. Individuals may have both an addiction and a mental illness and may only be receiving treatment or services to address one of these challenges.
- Some justice system personnel expressed concerns that Fetal Alcohol Spectrum Disorder (FASD) is not being adequately addressed. This was also a concern expressed in a focus group with members of the Aboriginal community. Several individuals noted that Aboriginal people are overrepresented in the justice system and some of these offenders have FASD. In a consultation with Defence lawyers, participants raised the issue of proper assessment and said there is difficulty getting FASD assessments due to lack of qualified people to make assessments and the costs involved. Even if assessments can be done, they said that there is a lack of treatment and service options available for this population.
- Some mental health clients feel that the police and the justice system seem uninformed about mental health issues and it stigmatizes and criminalizes those with a mental illness.

SYSTEMIC ISSUES

The justice system data, consultations and literature relevant to systemic issues touch on the notion that justice related information and services lack continuity and integration.

JUSTICE SYSTEM DATA

In British Columbia, before charges proceed Crown Counsel review the police Report to Crown Counsel, which includes a summary of the case, witness statements and other relevant documentation, and decides whether to lay a charge. Some members of the police and general public believe that Crown Counsel do not approve charges for low level offences as often as they should. However, of the charges that police do refer to Crown Counsel, the available justice system data seems to indicate that the charge approval rate for low level offences is nearly 90% and has increased slightly from 2001 to 2003.

Charge Assessments[83]

In 2001, 2002 and 2003, 87% of all Reports to Crown Counsel (RCC) submitted by the police to the Vancouver Provincial Court Crown Counsel (Federal and Provincial Crown Counsel) were approved to Court (charges were laid). Approximately 2% of all accused persons were referred to alternative measures. If an accused completes alternative measures, the case may not proceed through the courts. More youth are referred to alternative measures than adults (average 5% of youth and 2% of adults).

For Street Crimes (Category 4 offences and selected Category 2 and 3 offences), the percentage of charges approved to Court was 87% in 2001, 88% in 2002, and 89% in 2003.

Court Dispositions (Sentences Associated With Guilty Pleas/Findings):[84]

Stakeholder consultations revealed that most people believe that street crime offences are treated leniently. In 2001/02, over 60% of all sentences associated with guilty pleas/findings for street crime offences were non-custodial sentences[85]. The number of custodial sentences of time served or one day was just over 10% of the total number of sentences.

Court Appearances and Average Age of Concluded Court Cases[86]

Many stakeholders, from the general public to criminal justice system personnel, raised concerns about court delays clogging the court system.

Available data seems to indicate that on average, individuals appeared in court approximately 7.6 times before their cases were concluded. 23% appeared more than 10 times. For those cases that concluded with a trial, the data shows that the average number of appearances of the accused prior to trial is 9[87].

According to 2001/2002 Court data it took an average of 201 days for each street crime case (Category 4 and select Category 2 and 3 Offences) to be concluded. The average age of street crime cases in 2002/2003 was 270 days and the average age of street crime cases in 2003/2004 was 212 days.

Failure to Appear (FTA), Breach of Conditions (Bail, Probation, etc)

Members of the public, individuals who have been in conflict with the law, and justice system professionals who were consulted, raised the issue of problems with offenders breaching conditions of bail and probation and failing to appear in court. Many offenders are committing new offences while on a conditional sentence order (CSO). Although there was general agreement that this was a problem, these groups offered different views of the problem:

Many of the offenders, service providers and some criminal justice personnel who were consulted stated that there are too many restrictive conditions on bail and probation, which may set offenders up for failure (punishing offenders who don't have capacity to appear – have mental health, addictions, poor health, no housing). Some service providers said that in the case of "No Go" orders that prevent offenders from going to the Downtown Eastside, often the offender has no other community to which they can return.

People with drug addictions who were consulted said that if a drug addicted offender is released with an order not to go to the Downtown Eastside, the offender's addiction problem will likely lead them to return to the Downtown Eastside. The other view, which was reflected mainly in consultations with business owners, criminal justice system personnel and the general public, is that the justice system is not holding offenders accountable for Breaches or FTAs. They believe that the courts should be tougher on those who breach or fail to appear in court and that this might deter them and other offenders from breaching their conditions.

Data on Breaches and FTAs

Available data on breaches of conditions and failures to appear in court support the view that there are serious problems with frequent breaching of conditions and failures to appear.

Data from the survey of 100 drug users in the Downtown Eastside, Treadmill of Addiction, indicates that 22 individuals were collectively charged 70 times for breaching their release conditions and 32 individuals were collectively charged 120 times for failing to appear in Court.

Data from Vancouver Police Department's Chronic Offender Program indicates that 42% of the 562 identified adult chronic offenders breached their conditions at least once between June 28, 2004 and February 1, 2005[88]. Of the 327 chronic offenders who appeared in court during the time period above, 186 had been charged with breaching their conditions.

CONSULTATION FINDINGS

Members of the Street Crime Working Group conducted public forums, focus groups, consultations and interviews in order to obtain the Vancouver public's views of how the justice system responds to street crime. Those consulted conveyed the following views:

- Concerns were expressed that some police appear to be more tolerant of crime in the Downtown Eastside and Chinatown than other neighbourhoods.
- Some stakeholders said that Crown Counsel priorities do not seem to be focused on minor offences.
- Some of the people consulted said that they do not believe that court judgments reflect the public's wishes or the victim's interests and they feel that the courts are focused on more serious crime and as such there are few meaningful consequences for low level offenders.

- Some of the individuals consulted reported that they were disappointed that the Drug Treatment Court was not being used to deal with property offences committed by drug addicted individuals[89].
- Court delays prevent justice from being immediate and appropriate (e.g. treatment, counseling, and incarceration) to the crime and the offender.
- There is a lack of system coordination and lack of information sharing between the justice, social and health care systems.
- Probation orders that mandate treatment lack meaning because there is a lack of follow up treatment services in the community.
- There is a need to more effectively address immigration issues; specifically regarding refugee claimants who are selling drugs in Vancouver. Many of these individuals have been previously charged with drug trafficking, some have been deported but later returned to Canada.
- The police were viewed by some as providing encouragement and support for those with addictions and employment challenges.

EXPERIENCES OF JUSTICE SYSTEM PERSONNEL:

Justice system personnel who were consulted by the Street Crime Working Group expressed their own frustration with street crime and social disorder problems and the lack of effective responses to those problems. Many of the criminal justice personnel said that the workload of police, Crown Counsel, defence counsel, courts, and corrections has increased, but resources (staff and other resources) have not kept pace. Some police said that they have little or no time to do proactive work. Most criminal justice system personnel who were consulted stated that the justice system is often not working in a coordinated manner. Each section (Police, Crown Counsel, Court Registry, Probation, Parole, etc.) is often working independently, in isolation from the others. Lack of information sharing means that all too often the "right hand doesn't know what the left is doing". Comments about specific problems experienced by justice system personnel included:

- Some police said that information "siloing" is a barrier to delivering effective justice.
- Crown Counsel who were consulted said that there is an overload of court work volume with few opportunities to address underlying problems. Many times prosecutors will pick up files on day of trial. Heavy workloads also mean there is little time to liaise with witnesses, probation, mental health court workers, and other parties who may have very useful and important information that could assist with the case.
- Lack of file continuity is problematic because individual Crown Counsel do not always see a case through from beginning to conclusion. There may be different Crown Counsel working on one case file at different stages. Heavy workload issues have an impact on file continuity.
- Some justice system personnel talked about the large volume of addicted offenders and the complexity of their underlying problems. The justice system does not have the expertise or resources to perform the social work role often required in these kinds of cases.
- Some Crown Counsel said that most chronic street crime offenders do not see jail as a deterrent, but as an unavoidable part of their life. Many lack social skills and lack community support. Some are entrenched in a culture of crime and anti-social behaviour.
- Justice system personnel who were consulted emphasize that street crime and social disorder are not purely justice issues. They said that offenders need addictions treatment, employment, educational, and vocational programs; as well as appropriate housing resources and other social services that would address the root of some of their problems.

ACCESS TO SOCIAL SERVICES AND SERVICE COORDINATION

The consultations indicated that "access to services" is affected by a range of factors, including availability of services in a particular area, gaps in service provision, and complexities involved in accessing the service (such as requirements to be sober, provide a mailing address, or fill out forms). Some stakeholders said that while a particular service may be available to them, they will not continue to access the service if they feel that the service provider is judgmental.

Many stakeholders acknowledged that there is a lot of government funding provided to the Downtown Eastside, but there is a serious need to improve coordination of funding and services.

- Consultations with various agencies in Vancouver seem to indicate that agencies are often placed in positions of competing with each other for short-term funding. This competitive process inhibits coordination and information sharing.
- Some suggest that current services be assessed and that redundancies/duplications of service be identified and eliminated. There were strong cautions, however, that this be conducted carefully, ensuring that the focus be on eliminating duplications of service and improving the quality of service.

YOUTH [90]

Although it is often reported that young people under the age of 18 are over represented as offenders (Statistics Canada, 2001a)[91], the findings of the consultations and statistics for the Downtown Peninsula and Downtown Eastside areas are not consistent with this observation.

Consultations suggested that much of the street crime and chronic re-offending is committed by adults who are challenged with addictions, mental health issues, or significant social problems. Data also supports this observation.

DATA ON YOUTH OFFENDERS

On average, there were approximately 176 male youth offenders and approximately 67 female youth charged annually with a street crime offence (category 4 and select category 2 and 3 offences) in 2001/02, 2002/03 and 2003/04. Their average age was 16 years. Approximately 65% were male.

In comparison, there were approximately 2758 male adult offenders and 559 female adult offenders charged annually in Vancouver Provincial Court with a Group 2 offence from 2001/02 to 2003/04. Their average age was 34 years. 84% were male.

Several members of the criminal justice and youth justice system who were consulted stated that they believe that diversion programs and the use of informal measures are reducing the number of youth cases going to court[92].

They stated that new Youth Criminal Justice Act, which promotes the use of conferencing and alternatives to court, is also having an effect on reducing the number of youth in court[93].

FOCUS GROUP WITH YOUTH

From the consultations and available statistics on chronic offenders in Vancouver, it appears that the primary issue with youth in Vancouver is not youth as criminals, but rather youth who are at risk of sexual exploitation, homelessness, drug addictions and other risks. The street-involved youth consulted by the Street Crime Working Group identified several concerns and recommendations:

- Many of the concerns were centered on the increased use and popularity of methamphetamines especially in the younger populations. Concerns were raised regarding methamphetamine's effects on the users mental health including the potential for violence and paranoia, the drug's relatively low cost and its' highly addictive nature.
- Some youth-service providers expressed concerns that youth often carry makeshift weapons as a means of self protection.
- Some youth spoke about the many barriers to youth gaining employment.
- The lack of safe and affordable housing was identified as a possible factor in youth living on the streets; as some youth said that they would prefer to live on the streets than in a dirty room for $400 a month.
- Detox/Addictions access barriers were noted by some youth, as was the need for treatment on demand without waiting lists.
- Some of the youth who were consulted said that they felt harassed by the police. These youth expressed distrust for the police, and suggested that the justice system focus on the "big-drug dealers" not the street level dealers who are usually also addicts.

ABORIGINAL ISSUES

In Canada, Aboriginal adults make up 2% of the population[94] but represent 17% of admissions to correctional facilities, meaning Aboriginals are incarcerated at 8.5 times the rate of non-Aboriginals[95]. In BC, Aboriginal adults make up approximately 3% of the population[96] and represent approximately 20% of admissions to correctional facilities[97]. Aboriginal people who were consulted highlighted what research consistently shows: that there is an over-representation of Aboriginal people in conflict with the criminal justice system in Canada. However, there is a lack of information available that precludes us from drawing any conclusions about the number of Aboriginal offenders involved in street crime offences in Vancouver.

CONSULTATION FINDINGS

Consultations with the public, Aboriginal service providers, and criminal justice system personnel revealed that:

- Some criminal justice system personnel said that they have not observed an overrepresentation of Aboriginal offenders at Vancouver Provincial Court. This seems to contradict what the statistics tell us about Aboriginal people being over-represented in the justice system[98].
- The service providers that the Street Crime Working Group consulted with said that many Aboriginal people in the DTES have issues of poverty. Many are from other BC communities and may be disconnected from their community of origin.

- Some stakeholders said that they are concerned that Aboriginal offenders may be disproportionately 'singled out' by the police and the justice system and receiving unequal dispositions/sentences.
- Reports such as *Sacred Lives* and *Sexual Exploitation of Youth in BC*, as well as consultations with service providers and Aboriginal people indicate that Aboriginal women are overrepresented in the sex trade and Aboriginal youth are overrepresented in the sexual exploitation of youth[99].
- Aboriginal people who were consulted emphasized the critical need for more Aboriginal service providers and more culturally appropriate services, such as healing lodges, for Aboriginal people, including Aboriginal men, who have very limited, if any, access to Aboriginal programming designed for them. They also spoke of a need for increased support for Aboriginal victims of crime.
- The Working Group's consultations suggested the need for early assessments of all street crime offenders, including for issues of substance abuse, mental illness, and FASD. Consultations with Aboriginal people reinforced these needs.

INCREASED INTIMIDATION AND VIOLENCE

There is some debate around whether there has been an actual increase in violence or, rather, an increase in fear of violence in Vancouver. There seems to be more agreement around the idea that there is an increase in aggressive behaviour and intimidation by some panhandlers and people with mental health and/or addictions issues. Service providers say that this, along with visible signs of social disorder (graffiti, vandalism) and property crimes, decreases the perception of safety.

CONSULTATION FINDINGS

The following are some of the perceptions that were expressed in the consultations:

- Many stakeholders felt that aggressive, threatening behaviour, vagrancy, drunkenness and other disorderly behaviour has worsened the quality of life in the Downtown Core, Chinatown, Downtown Eastside, Gastown, the West End, and Yaletown neighbourhoods. Some residents and business owners say it is not as safe as it was 5-10 years ago.
- Targeted violence, such as violence against gays, lesbians, trans-gendered people, sex trade workers, homeless and people with a mental illness, is a concern.
- Violence and robberies are common among street involved persons, both as victims and offenders.
- Some stakeholders said that intimidation and acts of aggression against individuals, businesses, and security personnel also occur.
- Some people in the tourism industry said that tourism has been negatively affected by the increase in intimidation (both real and perceived) by panhandlers.

Some non-profit organizations and businesses are trying to respond to these issues by increasing their security measures, such as locking doors, installing alarm systems with panic buttons in every office, hiring security guards, and installing sprinklers to keep the sidewalks wet near their buildings, which deters people from loitering. Some of the agencies and businesses that have used these measures reported that these measures have been effective, but are costly.

Some of the people the Street Crime Working Group consulted with, who live and work in the Downtown Eastside, said that the desperation of the people around them is frightening and they believe it is resulting in an increase in violence and robbing/mugging. They said that while the area is cleaner than it was a few years ago, there is more violence.

- Some of the people consulted believe that residents are too scared or apathetic to respond to the violence around them.
- A concern was raised by several stakeholders that some police do not always respond to assaults and are sometimes involved in committing violence and harassment.
- Several stakeholders said that some private security officers hired by local businesses are using violence and harassment with residents in the Downtown Eastside. These stakeholders said that this behaviour is putting some people at risk of harm (i.e. forcing sex trade workers to move to unsafe, isolated areas).
- Sex trade workers who were consulted said that it is important to acknowledge that perpetrators of violence are not always from the community (for example, young men from the suburbs harassing or assaulting sex trade workers).

LACK OF STATISTICAL INFORMATION ABOUT STREET VIOLENCE AND INTIMIDATION

It is difficult to obtain accurate statistics on the level of street violence and intimidation in Vancouver. Data is recorded by offence type and does not provide enough contextual information to determine if the violent act (assault, robbery, etc) was related to a street crime or to something else. It is also important to note that some of those who say they experience violence admit that they are not willing to report the violent incident to police for a variety of reasons, including their own conflicts with the justice system.

POVERTY AND HOUSING

Crime and social disorder are often related to poverty. During some consultations, participants expressed concern that reduced funding to social and community services are resulting in increased desperation, leading to an increase in violence and muggings. Many of the Downtown Eastside residents that the Street Crime Working Group heard from said that affordable rent, free or inexpensive food, under the table jobs, drugs, and a community with all the amenities within walking distance has kept them there. Consultations and reports on the issue of homelessness indicate that homelessness is a serious problem in Vancouver. Many residents are concerned with the number of people sleeping in parks, underground parking, and on the streets. Preliminary data from the March 2005 Regional Homeless Survey (City of Vancouver Homeless Action Plan) shows a doubling in the count of the number of street homeless and those staying in shelters in the Greater Vancouver Regional District from 1,049 in 2002 to 2,112 in March 2005. There has been a similar doubling within the city of Vancouver from 628 to 1,310. The Regional Homelessness Survey estimates that at least two-thirds of the street homeless have severe addictions to drugs and/or alcohol, while approximately one-third show symptoms of mental illnesses.[100] Many of the stakeholders consulted said that there is a lack of affordable, safe housing options. In consultations with street-involved youth, some youth said that they would "prefer to sleep on the streets than in dirty hotels".

The consultations also revealed public concerns with poor management, maintenance, and security of housing. For example:

- Single Resident Occupancy (SROs) hotels often provide poor living conditions; some managers charge residents a guest fee every time they have a visitor.
- Bad management (lack of maintenance and security) of some apartment buildings, particularly frequent turnover of managers who work for off-shore owners is a problem.
- Off-shore ownership of buildings and suites in the West End leaves many suites unoccupied for much of the year.

Working Towards Solutions

The consultations with stakeholders and the analysis of available data strongly suggest that street crime and social disorder require a coordinated, collaborative response on behalf of all levels of government and communities, including those who work in health care, justice, and social services. Most stakeholders consulted seem to agree that short and long term solutions that address the root causes (social, economic, medical/health, etc) of crime need to be developed. Throughout the consultation process, the Street Crime Working Group heard that a variety of models and flexible responses to all issues (mental illness, cognitive disabilities, addictions, homelessness, etc.) are needed to respond to the problem of chronic re-offending.

BUILDING ON EXISTING RESOURCES

The majority of those consulted had no difficulty identifying the strengths of their communities and the positive aspects of living in Vancouver. Examples of these strengths include:

- Free services, drop-in centres, community centres, outreach workers, volunteer groups, addictions services, supervised injection site, and other services.
- Active residents' and neighbourhood associations.
- Chinatown business owners said that Chinatown is a close-knit, multicultural community that is making a concerted effort to revitalize Chinatown.
- Downtown Eastside can be a caring community, whose members are non-judgmental and watch out for each other. There is an emphasis on peer involvement and peer support in the community.
- Dedication and commitment of some Vancouver police officers who look out for the community (e.g. some sex trade workers noted that some police will approach them only to warn them about a bad date or dangerous situation).
- Crown Counsel, Court Services, and Corrections have demonstrated a willingness to act collaboratively with community members and other justice system partners and have participated in innovative responses such as the Vancouver Drug Treatment Court Pilot Project.
- Socially conscious businesses that are working with the community to address community issues.
- Vancouver Coastal Health Authority continues to address concerns about illicit drug use, including expanded detox in the last 5 years; decreasing the waitlist from 8 weeks to 48 hours for men and to 24 hours for women; and looking at ways to make their services more accessible (e.g. expanding daytox for youth and pretox for those thinking about accessing treatment).
- Tourism is an important part of Vancouver's economy and can be used as a resource to respond to street crime issues. For example, the Stars for Success program provides training and employment in the hotel industry for marginalized youth.

- The Downtown Vancouver Business Improvement Agency funds the Downtown Ambassadors program. The ambassadors' role is to provide assistance and information to tourists and the public, as well as to provide some security and deter crime by being a visible presence on the street.

A short list of examples of current resources, initiatives and strategies which are, or have the potential to be, helpful in responding to the issues underlying street crime are included in attachment 2.

A range of health, social, community, and justice services are available in Vancouver, but many of the stakeholders consulted said that there are gaps in service and those services that do exist are not well integrated. They noted that clients may be able to access one service, but not receive adequate treatment or support because they are unable or unwilling to travel to obtain other services they need. Some justice system personnel and some service providers said that if clients could access all of these services in one location, they believe that the clients would be much better served.

Many stakeholders recommended that a collaborative approach be used that would include all stakeholders in developing short and medium term solutions, as well as long term planning. Some of those consulted recommended 5 or 10 year plans for dealing with the issues.

IMPROVING THE JUSTICE SYSTEM RESPONSE

INCREASED UNDERSTANDING OF ISSUES

Many people consulted believe that all Criminal Justice System Personnel should receive training and education about mental health, addictions, and other social issues that may be related to chronic re-offending. Stakeholders said that police (and other justice system personnel) should receive ongoing cultural sensitivity and other related training, which is provided in cooperation with representatives of the populations they work with (for example, regarding cultural issues, Aboriginal issues, issues experienced by new immigrants, addictions, mental illness, the sex trade, and social and economic challenges). Some thought that specialized or problem solving courts could help improve understanding of issues and the response to them.

EARLY INTERVENTION

Stakeholders said that street crime offenders need immediate health and mental health assessments. Early identification of mental health, addictions, or social problems can provide opportunities for early intervention with "revolving door" clientele.

Many stakeholders reported that there are opportunities for early intervention within the health, social services and justice systems from initial contact with the pertinent social and health service providers, police, Crown/Defence, Courts, and Corrections. These stakeholders said that opportunities should be identified at each of these stages so that interventions can occur when appropriate. For example, within the justice system, Aboriginal service providers and addicted clients said that it would be helpful to have a native court worker providing outreach and connecting with the clients in the community. Remand and Bail stage also provide opportunities to connect people with services.

LEGISLATION AND POLICY

Many of the stakeholders consulted believe that addiction and prostitution should be decriminalized. Others raised concerns about delays in assessments, which result in offenders being segregated 23 hours a day waiting for an assessment. Mental health workers say that waiting in the pre-trial segregation units for fitness tests may aggravate symptoms of the person's mental illness. The Criminal Code requires that assessments be performed by a medical practitioner. Some stakeholders felt that it might help reduce the wait time for assessments if a non-medical practitioner could perform initial assessments and then, if necessary, a medical practitioner could complete detailed assessments.

Some justice system personnel spoke of a need to ensure that Criminal Case Flow Management obligations are met and that cases are not being repeatedly adjourned.

ALTERNATIVE JUSTICE PROCESSES

Justice system personnel, community associations and social service providers spoke of the need for more meaningful responses to offenders, such as treatment and counseling. The majority of those consulted highlighted a need for alternative justice processes. These suggestions ranged from native healing circles to restorative justice and Community Courts. The need for culturally appropriate justice for Aboriginal people was repeated in several focus groups. Several of those consulted said that they felt disconnected from the 'white system' of justice, health care, and social services. Many criminal justice system personnel and Aboriginal stakeholders who were consulted noted that traditional Aboriginal Justice, Restorative and Transformative justice practices with Aboriginal offenders can be positive approaches to justice that give the Aboriginal community a participatory sense of justice.

Restorative Justice

Once thought of as a way to divert cases from the criminal justice system, Restorative Justice is starting to become an important part of the system, occurring at every stage from diverting minor cases from the courts to developing release plans for offenders who are re-entering the community after serving a prison sentence. Restorative Justice invites victims, offenders and communities to be actively involved in addressing the harm caused by crime. It allows offenders to take responsibility for what they have done; invites victims to speak about how the crime has affected them and have an active role in determining how to address the crime; and provides the community with an opportunity to begin to heal from the damage caused by the crime. Restorative Justice processes can help offenders to re-enter the community, and with proper supports for the offender, may even help reduce repeat offences. The goal is to reduce and, as far as possible, repair the damage caused by the crime. In BC, the most common Restorative Justice processes are Family Group Conferencing/ Community Justice Forums, Neighbourhood Accountability Panels/Boards, Healing Circles/Circle Remedies and Victim Offender Mediation."

COORDINATION OF JUSTICE SERVICE DELIVERY:

Information Sharing

Criminal justice system personnel who were consulted said that there is a critical need to provide information to defence counsel, Crown Counsel, Judges and other criminal justice system personnel about services available so that they can make fully informed decisions. This information has to be current and readily available in order to be useful. Some stakeholders believe that the use of technology, such as computer databases, could help to improve access to information. Some Crown Counsel said that the system needs a person in court to advise Crown Counsel, defence counsel and the Court about appropriate resources for accused. Some stakeholders said that courts need more access to information about feedback on impact of decisions.

Case-specific Information Sharing

Some offenders are concerned that Judges and prosecutors sometimes only look at the accused person's criminal record and do not consider the fact that the offender has changed or is trying to make changes in his life. They stated that defence counsel needs to be able to provide the court with the person's current history so the court does not rely too much on the person's record. Many stakeholders consulted stated that only with accurate information can the court continue to hold offenders accountable while balancing accountability with treatment and support.

Justice system practitioners say they need improved computer systems (e.g. databases) for obtaining quick access to current information from a variety of sources about the accused person's background including what resources have been provided to him before and have they been successful, copies of Pre-Sentence Reports (PSRs), psychiatric reports, relevant medical history, and other related information.

Some stakeholders said it would be useful to develop mechanisms that allow for information sharing between justice system players, social services and health services (e.g. case management to ensure offenders get the services they need). Some stakeholders believe that it would help to have teams of Crown and police working together. In addition to the suggestions above, stakeholders offered more targeted suggestions for the various areas within the justice system, including police, Crown, courts, and corrections.

POLICING

- Increase visible policing (increase foot and bike patrols, community police office) to make residents feel safer and to deter offenders from committing crimes.
- Team training days devoted to street crime issues with clear direction from management with an aim to improving police response to lower level crimes.
- Stakeholders noted that targeting enforcement against particular problems/specialized teams and squads can be helpful, but care should be taken that a plan is in place to address the issue of displacing the problem to another area.
- Training and equipment should be maintained to keep up with social and technological changes.
- Many police and members of the public said that there is a need for an increase in the number of police and civilian staff.
- Police calls for service are time consuming. To ensure that calls are always appropriately referred, some police suggested that E-Comm, the Emergency Communications for Southwest British Columbia, might benefit from a police presence to manage and review calls before they are dispatched.
- Some Aboriginal stakeholders said that more Aboriginal Police Officers are needed, as well as Aboriginal Police Liaison officers and an Aboriginal Police Advisory Committee.

- Business owners in Chinatown and Aboriginal people who were consulted said that police officers should receive training that promotes cultural awareness and sensitivity.

CROWN COUNSEL/DEFENCE COUNSEL

- Many criminal justice system personnel who were consulted recommended that access to legal aid be improved.
- Some people said that a dedicated Crown Counsel for mental health cases or addictions cases could develop and provide expertise that would help improve the justice system's response to offenders who experience these challenges.
- Some police said that Crown Counsel should have a closer working relationship with police with regard to the charge approval process and should provide 24 hour accessible charge approval advice.
- Several stakeholders stated that public meetings should be held in the neighbourhood on a regular basis to provide opportunities for police, Crown Counsel, judges and other justice system personnel to hear the residents' concerns about crime issues in their community.
- Some Crown Counsel said that it would help to improve file ownership/file accountability by having the same individual Crown follow complex cases (cases that involve chronic offenders, mentally disordered, cognitively impaired, or drug addicted offenders) from start to end.

COURTS

- Many of the people consulted agreed that court decisions must have meaningful consequences to restore public confidence.
- Some stakeholders suggested that specialized courts can be useful in responding to particular issues, but noted that they do not work for everyone; there has to be a range of options.
- Some stakeholders suggested that the criminal justice system should consider having courthouses for individual communities/neighbourhoods in order for the justice system to have a meaningful role in community.
- As noted earlier, some stakeholders said that placing highly restrictive conditions on bail and probation often sets offenders up for failure. Service providers and offenders had several comments on this subject:
    - With regard to failure to appear, some offenders don't have the capacity to appear (i.e. they have mental health, addictions, poor health, no housing).
    - The courts should be made aware of the offender's current life situation so that they can ensure that orders are used appropriately and effectively.
    - Some individuals who have been in conflict with the law suggest that a 24 hour waiver be given for FTAs.
    - Others said that when a Judge imposes an order and that order is breached, that same judge should deal with the breach.

CORRECTIONS

- Many stakeholders said that pre-release/discharge planning is critical to reintegrating the offender and preventing recidivism.

- Some criminal justice system personnel said that there is a need to improve post-release follow up (for example, offenders may need an advocate or support person to help them to access much needed services).
- Several individuals suggested that the probation office should be located in the courthouse.
- Some people said that probation needs adequate resources so probation officers can more effectively monitor offenders on bail, probation and Conditional Sentence Orders.
- People with addictions issues said that the fear of going through withdrawal in jail often causes them to miss a court date. They suggested that correctional services continue to improve drug treatment in jails and ensure that treatment is immediate.

RECOMMENDATIONS FOR SOCIAL, HEALTH, AND COMMUNITY SERVICES

The majority of stakeholders said that in order to effectively respond to street crime and social disorder, there has to be a continuum of care that includes a range of options for health care, mental health, addictions, social services (e.g. housing, financial assistance, supports for families, life-skills training, and other services), employment opportunities, and education.

They emphasized that access to these services needs to be simplified and improved to ensure that vulnerable people are able to receive the services they need.

Some stakeholders offered specific comments and suggestions about social, health and community services:

- Some of the people who were consulted said that each social service agency in Vancouver has its own mandate and cause and they believe that there is a need to develop common principles and goals for provision of services.
- Some stakeholders spoke about how inter-agency competition for funds inhibits collaboration and information sharing among some service providers. They suggest that in order to avoid inter-agency competition, funders should promote community coordination by funding proposals that are a product of collaboration among agencies.
- Some service providers said that often, the clients who are in most need of services are not able to locate and obtain those services. They recommended that clients be provided with help in accessing services, through the use of outreach workers, liaison workers, and other social supports.
- Some stakeholders noted that there needs to be more options available for people with developmental disabilities and dual diagnosis.
- People with addictions who were consulted said that there is a heavy concentration of services in the Downtown Eastside. Services should be located within and outside of the Downtown Eastside.
- Some Aboriginal people said that there is a need to improve access to training to allow Aboriginal people to train for jobs as Aboriginal service providers.
- Throughout the consultations with offenders, people with addictions, sex trade workers, and persons with a mental illness, many recommended that social, health care, and community service providers should receive sensitivity training and this training should focus on how to provide service in a welcoming environment with a non-judgmental attitude.

COORDINATION OF SOCIAL, HEALTH, JUSTICE AND COMMUNITY SERVICES

Many of the people consulted by the Street Crime Working Group believe that proper coordination of services would help to improve the efficacy of the systems' (justice, health, community and social services) response to street crime problems in Vancouver.

- Some stakeholders suggested a need to provide onsite wraparound and immediate accessible services at the courthouse, because for some offenders "around the corner is too far".
- Health care providers, social service providers and justice system personnel who were consulted spoke of a need to develop and maintain mechanisms for sharing information and working together on complex cases.
- Members of the criminal justice system who were consulted said that there is a need for integrated services or a liaison with services (for example, when judges adjourn cases something needs to be done for offender in the interim)
- Some individuals who were consulted by the Working Group and who had been in conflict with the justice system said that offenders may need time and/or assistance to get their things in order before going to jail (i.e. when they are sent to jail without having time to prepare, their apartment gets robbed).
- Some stakeholders said that there is a need for social service providers, Aboriginal organizations, and advocacy agencies to work together and they suggested that this closer collaboration might prevent competition between agencies.
- Several individuals said that dedicated social services (ability to access housing, financial assistance, life skills, employment skills) and community services (literacy programs, educational programs, counseling, language programs) should be available in Courts.

COMMUNITY INVOLVEMENT IN JUSTICE DELIVERY

The consultations revealed that members of the community and the justice system would benefit from having stronger links.

Many of the stakeholders consulted believe that the community, in partnership with the justice system, needs to voice its concerns and take ownership of the issues and work with the justice system to solve problems.

Some community representatives who were consulted said that communities want to be supported (with educational workshops, training, and funding) to develop and participate in crime prevention initiatives as well as other opportunities to be active participants in justice delivery (citizen patrols, neighbourhood watch, local volunteers, supporting reintegration of offenders who have been released back into the community).

These representatives said that the criminal justice system should encourage diverse community participation in the justice system (e.g. community and social agencies, service providers, businesses, senior citizens, youth, multicultural organizations, Aboriginal advisory groups, and others).

Some justice system personnel stated that the community has a critical role to play in the justice system, particularly in the reintegration of street crime offenders.

Offenders, even those who are living in the community, may be displaced and do not feel as if they are part of the community. They need support systems beyond parole and probation, such as long term community support to help exit the crime lifestyle.

Attachment 1

STREET CRIME/STREET DISORDER OFFENCES [101]

(Offences for which stats were obtained)

CATEGORY 4 OFFENCES:

- Causing a Disturbance – s. 175
- Theft Under $5000 - includes theft of auto, theft from auto, shoplifting and other thefts (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim) – section 334(b)
- Steals/Forges/Falsifies/Possesses/Uses Credit Card where amounts are under $5000 – s. 342(1)
- Possession of Stolen Property (PSP) Under $5000 - includes PSP of auto, PSP from auto (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim) – Section 355(b)
- False Pretences Under $5000 – s. 362(2)(b)
- Fraud Under $5000 – s. 380(1)(b)
- Mischief Under $5000 – s. 430(4)

CATEGORY 4 OFFENCES COMBINED WITH THE FOLLOWING CATEGORY 2 AND 3 OFFENCES:

- Assault – s. 266 (except for VAWIR)
- Robbery – s. 344(b) – only low level street robberies (i.e. assault and theft)
- Utter Threats – s. 264.1(1)(a) (except for VAWIR)
- Prostitution/Communication – s. 213(c)
- Theft Over $5000 – s. 334(a) (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim)
- Possession of Stolen Property Over $5000 – s. 355(a) (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim)
- Take Motor Vehicle Without Owner's Consent – s. 335
- Break and Enter (B&E) of commercial property – s. 348(1)(a) & (b)
- Possession of B&E tools – s. 351(1)
- Possession of B&E instruments for coin operated device – s. 352
- Food/Accommodation Fraud – s. 364(1)
- Uttering forged document – s. 368
- Breach of Probation – s. 733.1
- Breach of Undertaking to Appear/Recognizance/etc. – s. 145(3)
- Failure to Appear – s. 145(5)

THE FOLLOWING DRUG OFFENCES:

- Simple possession – s. 4(1)
- Trafficking - s. 5(1)
  - Possession for the purpose of trafficking - s. 5(2)

Note: the intention was to try to obtain the statistics for lower level trafficking + possession but there was no way to obtain this breakdown. As a result, statistics for drug offences include all offences relating to sections.

THE FOLLOWING DISORDERLY BEHAVIOUR OFFENCES:

- Sections 182 and 189 *Motor Vehicle Act* – this is the section that is used regarding squeegee offences.
- Sections 9(2) and 9(3.1) of the *Greater Vancouver Transit Conduct and Safety Regulation* – which relate to transit disorderly offences.

Attachment 2

EXAMPLES OF CURRENT RESOURCES, INITIATIVES AND STRATEGIES

The consultations identified important resources, initiatives and strategies operating in Vancouver, which are, or have the potential to be, helpful in responding to issues underlying street crime. The list below is far from exhaustive and is intended to provide just a few examples of a selection of these resources, initiatives and strategies.

- Service providers and advocacy agencies such as Prostitution Alternatives Counseling and Education (PACE), PIVOT Legal Society, Elizabeth Fry Society, and others.
- Youth services such as Covenant House, Downtown Eastside Youth Activities Society, Dusk to Dawn, and others.
- Business improvement agencies, Vancouver Board of Trade.
- Forensic Liaison Workers, who assist mentally disordered offenders held overnight in custody, by assessing their individual needs and providing recommendations to defence counsel, Crown Counsel and the Court.
- Motivation, Power and Achievement Society (MPA) court workers, who provide support to mentally disordered offenders, assists them with accessing health, housing and other services.
- Health Services and Mental Health Services – community health clinics; street nurses, mobile vans that provide condoms, needles, food, counseling, temporary safe refuge; drug treatment/ recovery centres.
- Aboriginal-specific services – Friendship centre, Native Courtworker Program, Native Health Society, Native Housing Society, Bladerunners Aboriginal job placement program, and other services.
- Neighbourhood strategies such as Neighbourhood Integrated Services Teams and
- Drug Treatment Court – addicted adult offenders charged with low level drug offences, and some provincially prosecuted offences, are placed in drug treatment instead of jail, with ongoing judicial monitoring.
- Vancouver Police Department has a number of initiatives underway, including an Enhanced Enforcement Project, which locates problem premises and works with other agencies to

solve problems; a City Wide Enforcement Team, which has increased police visibility; Community Police Stations, which are storefronts located throughout the city; DISC (Deter and Identify Sex trade Consumers), which is a program that uses a computer database to track sex trade consumers, sex trade workers and sexually exploited youth. The DISC program uses this information to assist the women and youth in exiting the sex trade and to deter sex trade consumers from exploiting sex trade workers and youth; Car 87, which is staffed by a police officer and a mental health professional; self-defense training for sex trade workers; and other initiatives.

- The Four Pillars Drug Strategy is the City of Vancouver's policy and plan for reducing drug-related harm in Vancouver. The "four pillars" of the city's drug policy are harm reduction, prevention, treatment, and enforcement.
- The Vancouver Agreement is a five year agreement between three levels of government for the purpose of promoting and supporting sustainable economic, social, and community development in the city of Vancouver, with a focus on the Downtown Eastside. All three levels of government have expressed interest in renewing the agreement which expires in March 2005.

PLANNED INITIATIVES:

Currently in Vancouver, several agencies are developing, or have developed, proposals for initiatives that would respond to some of the issues underlying street crime. Below are some examples of planned initiatives:

- Vancouver Downtown South Integrated Youth Services Centre - The Family Services of Greater Vancouver has developed a proposal for the Downtown South Integrated Youth Services Centre at 1134 Burrard Street. The Centre will provide an integrated service delivery model for street involved youth. It will provide a safe place in Downtown South where street-involved youth can go to receive counselling and support, health services, life skills training, housing support, basic hygiene, meals, vocational and academic training, job bank employment program, addictions counselling and an outreach program to support street-involved-at-risk-youth. The objective is to engage homeless youth, sexually exploited youth and youth at risk of becoming exploited in the sex trade within the first 48 hours of being homeless and offer them alternatives to the street and illicit marketplace. The Centre would reduce the number of at-risk youth on the street, thereby making the streets a safer place and improving youth's lives. A community advisory group consisting of Downtown South residents, business leaders, youth, service providers, police and City staff has been meeting for consultation on the proposed centre for several months.

- The Urgent Response Centre would provide emergency, withdrawal and triage services for the mentally disordered and addicted. This would supplement existing mental health and addictions programs within Vancouver Coastal Health Region and develop community resources to more appropriately care for mental health and addiction clients in the community and to reduce and avoid emergency room visits and admissions to hospital.

- A Community Health and Justice Centre is being proposed for Vancouver. The centre would provide "wrap-around" services at the Decommissioned Vancouver Remand Centre. The centre would include justice services, Urgent Response Centre, social service supports and a resource coordinator to link clients to required resources.

- The NAOMI Research Project (North American Opiate Medication Initiative) is a pilot program that will dispense free heroin to its registered users. The program hopes to stabilize addict's lives and reduce crime. The NAOMI research project has received scientific approval and funding support from the Canadian Institutes of Health Research (CIHR). The study will begin once all the regulatory, infrastructure and funding requirements are in place. The research study will take place in three cities in Canada: Toronto (Centre for Addiction and Mental Health and the University of Toronto), Vancouver (University of British Columbia) and Montreal (Université de Montréal).

- Planning for the 2010 Olympics may provide opportunities for economic and social development in Vancouver.

Attachment 3

STAKEHOLDER GROUPS CONSULTED AND DATA SOURCES

- Two Public Forums (list of participating agencies is attached)
- Disability Advisory Committee Meeting (attended by representatives from MPA; Forensic Psychiatric Institute; defence counsel; Ministry of Attorney General, Criminal Justice Branch; BC Canadian Mental Health Association; BC Association for Community Living; B.C. Coalition of People with Disabilities; and Community Legal Assistance Society)
- Addicted Clients (focus group)
- Yaletown Residents Association Public Forum
- Mental Health Forum (BC Association for Community Living, BC Coalition of People with Disabilities, Community Legal Assistance Society, Canadian Mental Health Association)
- Representatives from Community Policing Centres (public forum)
- West End Community Association and West End Coordinating Committee
- The Centre - A Community Centre Serving and Supporting Lesbian, Gay, Transgendered, Bisexual People and Their Allies (focus group)
- Downtown Vancouver Business Improvement Association (focus group)
- Vancouver Drug Treatment Court representatives
- Main Street Provincial Crown Counsel and Crown Support Staff (focus group and stakeholder interviews)
- Aboriginal People and Aboriginal Service Providers (2 focus groups and stakeholder interview)
- Attended Vancouver Agreement Meetings
- Sex Trade Workers (focus group and stakeholder interview)
- Chinatown Business Community Representatives (focus group)
- Youth and Youth Service Providers (focus group with youth, Dusk to Dawn, stakeholder interviews with Covenant House, Children of the Street Society)
- Officers from the DISC (Deter, Identify Sex trade Consumers) program
- Mental Health Consumers and Motivation, Power and Achievement Society [MPA – formerly known as the Mental Patients Association] (focus group)
- Tourism Vancouver (focus group)
- Vancouver Police Department Members (focus group and stakeholder interviews)
- Canadian Bar Association Criminal Subsection (meeting)
- Vancouver Board of Trade and Vancouver Board of Trade's Crime Task Force (meeting and focus group)

OTHER CONSULTATIONS

The following consultations were not undertaken by the Street Crime Working Group but contain information that the Street Crime Working Group found relevant.

- BC Crime Prevention Business Crime Prevention Survey Results Summary (undated)
- Bengtson Market Research. Downtown Business Improvement Association Final Summary Report 2004 General Public Survey (May 2004)
- Bengtson Market Research. Downtown Business Improvement Association Final Summary Report 2004 Membership Survey (April 2004)
- Vancouver/Richmond Health Board (V/RHB) Information for Development Permit Applications – First Focus: Downtown Eastside Health and Safety Initiatives (2001)
- V/RHB Submission to Board of Variance (undated)
- Addictions Redesign – History of Consultation (undated)
- Community Assessment of 2010 Olympic Winter Games and Paralympic Games on Vancouver's Inner-City Neighbourhoods (Feb 2003)
- Neighbourhood Impact Evaluation of Four Health Service Initiatives in Vancouver's DTES – Interim Report #3 Qualitative Survey Findings (January – June 2003)
- Vancouver Agreement Downtown Eastside Economic Revitalization Plan - Consultant Report September 2003
- Vancouver Board of Trade Report on Property Crime in Vancouver (October 2003)
- Mayor's Forum on Livability and Safety Final Report (January 17, 2004)
- Vancouver Agreement Downtown Eastside Economic Revitalization Plan (February 2004)
- A Dialogue on the Prevention of Problematic Drug Use – A Summary of the Proceedings from the Symposium "Visioning a Future for Prevention: A Local Perspective", The Wosk Centre For Dialogue (November 21, 2003 and February 2004)
- Vancouver Agreement Downtown Eastside Economic Revitalization Plan Stakeholder Consultations - Key Findings Summary (March 1, 2004)
- Improving Community Safety - Community Deliberative Dialogue Session hosted by the Vancouver Police Department and the Vancouver Police Board (March 27, 2004)
- Community Crime Prevention/Revitalization Project – "Building a Sustainable Future Together": A Downtown Eastside Community Development Project - Final Report submitted to the National Crime Prevention Centre by the City of Vancouver and Vancouver Coalition for Crime Prevention and Drug Treatment (May 2004)
- Wickstead, Cst. Gerry. Treadmill of Addiction. Open Drug Use Survey and Criminal Case Study – A Snapshot of the Enforcement Pillar in Vancouver's Downtown Eastside. January 2003

DATA SOURCES

Vancouver Police Department

- Quarterly Statistical Report
- Crime Index Reports
- Calls For Service
- Chronic Offender Program
- Crime Hot Spots

Ministry of Attorney General, Court Services Branch
Ministry of Attorney General, Criminal Justice Branch
Ministry of Public Safety and Solicitor General, Corrections Branch
Ministry of Children and Family Development
Motivation, Power and Achievement Society Court Worker Statistics
Vancouver Jail Health Care Statistics
Statistics Canada, Canadian Centre for Justice Statistics

Street Crime Forum - June 23, 2004

PARTICIPATING AGENCIES:

Salvation Army Harbour Light
Health Contact Centre
Mental Patients Association
Forensic Psychiatric Services Commission
Downtown Vancouver Business Improvement Association (BIA)
Strathcona BIA
Robson BIA
Yaletown BIA
Davie Village BIA
Real Estate Board
Vancouver Board of Trade
Royal Bank Financial Group
HSBC
7-11 Canada
Vancouver Civic Theatres
West End Citizens Action Network
City of Vancouver
Main & Hastings Community Development Society
Life is Not Enough
Native Courtworker and Counselling Association
DEYAS Needle Exchange Program
Lookout Emergency Aid Society
VPD Car 87 (police and mental health professional)

DAMS (Inner City Women's Initiative)

PACE (Prostitution Alternative Counselling & Education Society)

Elizabeth Fry Society

Gathering Place

BC Association for Community Living

PIVOT Legal Society

Integrated Youth Services Centre

Community Legal Assistance Society

MLA Constituency Office

Hastings North Community Police Centre

Richmond RCMP

Provincial Court Legal Officer

Missionary

The Honourable Chief Judge Carol Baird Ellan Provincial Court of British Columbia

Defence lawyers

Canadian Bar Association

Ministry of Public Safety and Solicitor General, Corrections Branch, Community Corrections and

Vancouver Coastal Health Authority

Vancouver Police Department

Ministry of Children and Family Development

Ministry of Attorney General, Criminal Justice Branch

Vancouver Agreement Representatives

Department of Justice Canada

Street Crime Forum – April 14, 2004

PARTICIPATING AGENCIES:

Members of the general public

The media

BC Provincial Court Judges

BC Supreme Court Judges

Provincial Crown Counsel

Canadian Bar Association

Vancouver Agreement Coordination Unit Members

Department of Justice Canada

Ministry of Public Safety and Solicitor General, Corrections Branch, Community Corrections

Vancouver Coastal Health Authority

Vancouver Police Department and Vancouver Police Board

Ministry of Children and Family Development

Ministry of Attorney General, Criminal Justice Branch

Downtown Vancouver Business Improvement Association (BIA)

Robson BIA

Yaletown BIA

Davie Village BIA

West End Citizens Action Network (WECAN)

Yaletown Residents Association

Guest speakers at the Forum included Julius Lang, from the Center for Court Innovation in New York, and Jim Hayden, a "neighbourhood-based" District Attorney from Portland, Oregon.

Appendix B - Literature Review

Literature Review of the Issue of Street Crime in Vancouver.
Prepared for the Street Crime Working Group of the Justice Review Task Force

Introduction

The purpose of this report is to provide some background information on the issue of street crime both internationally and in the context of the Downtown of Vancouver. This report attempts to do that through the exploration of the following questions:

- What is the view of street crime and street disorder?
- What causes/enables street crime and street disorder?
- Who commits street crimes and street disorder?
- What are other jurisdictions doing in response to crime, and street crime?

As the topics/questions above are interrelated there will be some overlap between several of the subject areas of this report. In an attempt to present as much information as possible, on occasion this report may relay incongruent information from differing sources.

This serves several purposes: it gives us a broader conceptualization of the construct in question, and it gives us an idea of where we may need more definitive information, statistics, or research. The research materials utilised for this report are from many sources: uniform crime reporting data, victimization surveys and consultations, peer-reviewed journals, and governmental white papers and think pieces. Unfortunately, although every effort was taken to include the most up to date and relevant information, much of the information we have is several years behind and not specific to the Downtown of Vancouver.

This report is intended as a 'think-piece' for the Street Crime Working Group (SCWG) whose focus is street crime in the downtown of Vancouver, British Columbia. Throughout this report one will find consultation input from consultations conducted by the SCWG members where it is relevant to the topic of discussion. The format will loosely follow the order of the four questions above.

As the current street crime situation in Vancouver's Downtown area is complex and multifaceted, so too must be the response to it. The Justice system cannot be expected to have the only solutions to such complex needs and problems. Other stakeholders and partnerships will be required to return balance to such a complex problem.
- Thank you to Julius Lang, Meghan Holland and to Sherrie Lee for their contributions to this report.

View of street crime and street disorder

Street crime and street disorder are somewhat subjective terms. This is a concept that most members of a community can identify but may have difficulty in defining. Also, street crime is a term that is not entirely consistent among individual viewpoints, jurisdictions and justice initiatives. Some initiatives have adopted a very narrow, specific definition of street crime while others have adopted a much broader working definition.

What most definitions of street crime do have in common is what they do not include. Crimes such as: organized crime, commercial crime, murder, rape, and violent crimes are generally not included in a definition of street crime (although some include violent crime). Street crime generally is highly visible and effects the communities in a gradual wearing away of the quality of life of the community members.

WHAT DO OTHER JURISDICTIONS DEFINE AS STREET CRIME/DISORDER?

In differing jurisdictions and communities the definition of street crime may vary according to the focus of local initiatives and local community concerns. For some initiatives and viewpoints, the terms street crime and public disorder refer to public drunkenness, rowdiness, bar fighting, and bar crowd issues late at night. Another initiative in the United Kingdom adopts a very narrow definition of street crime as robbery (mugging) and "snatch theft"[102]. Finally, another initiative (again from the UK) defined street crime as loitering teenagers, litter, vandalism, drug dealing, noise, and run down homes[103].

WORKING GROUP'S DEFINITION OF STREET CRIME/DISORDER

The Street Crime Working Group's definition of street crime does not include violent crime and is the type of crime that affects the quality of life of the members of the Vancouver community. However, the focus is not the bar crowd so much as it is more focused on the chronic 'low-level' offender who is frequently in conflict with the justice system.

The Street Crime Working Group's operational definition of street crime includes category 4 offences with some category 2 and 3 offences [104]. The Ministry of Attorney General uses a categorical breakdown of offences for a variety of purposes, including data collection.

HOW DOES THE VANCOUVER PUBLIC VIEW STREET CRIME AND STREET DISORDER?

It is important to note that we need to learn more about the Vancouver public's view of street crime and disorder. Academic literature provides little in the way in which the Vancouver public views street crime.

The following information and statements were gathered from consultations conducted with members of the Vancouver community and attempts to summarize the view of street crime and disorder[105].

- Addiction to, use of and selling of drugs underlies much of the crime in Vancouver.
- Drug related acquisitive crime.
- Frequent property crime, petty theft, and break and enters into businesses and auto theft.
- Drug dealing.
- 'Low level'/ 'quality of life' crime e.g. vandalism, public urination, flipping over mailboxes, street fighting/nightclub violence, youth street prostitution, aggressive panhandling/ violence between panhandlers.

- Frequent offenders.
- Suspicious people and activity (including drug injection) in back alleys and on sidewalks.

Many of the consultations focused on the needs of the offender and not the specific acts that constitute street crime in the eyes of the community member. Similarly, many of the consultations also built on this with multiple interventions and solutions offered. Vancouver citizens at the Chinatown consultation stated a general perception of not feeling safe and of mentally ill people needing community supports such as housing[106].

HOW DOES THE VANCOUVER PUBLIC VIEW THE JUSTICE SYSTEM?

From the feedback gained at the many consultations, the Vancouver public seems to understand that the issue of street crime is complex and is not simply a matter of the justice system working harder. However, the public's confidence in the justice system does not appear to be very high[107].

The public does seem to feel removed from the justice system and the problem of street crime, and perhaps somewhat helpless. Although there has been some research conducted in the area of perceptions of the justice system across Canada[108], there is little academic information about how the Vancouver public themselves view the justice system.

The Main St. Provincial Crown Counsel consultation highlights the lack of motivated witnesses & some animosity regarding the closure of the Burnaby Courthouse[109]. It seems that the public has expectations that the justice system be more flexible and work with other agencies more collaboratively[110].

This and other consultations also identified: an overload of court work volume with little opportunity to address underlying problems, thus enabling the 'revolving door'; high proportion of offenders with; the lack of community and victim involvement; lack of meaningful consequences; low-level chronic offenders 'clogging' the system with no effective interventions [111]; organizations working in isolation/ lack of collaboration between systems; poor relations and coordination between justice agencies; lack of accessible coordinated information; lack of knowledge of resource availability; lack of public support for the justice system; and lack of file continuity[112].

Other consultations identified the lack of /or barriers to: addictions treatment[113], employment, educational, and vocational programs for offenders; as well as appropriate housing resources as areas of intervention that would address the root of some of Vancouver's problems[114].

Vancouver citizens at the Chinatown consultation stated a general perception that the justice system treats offenders too leniently and with little meaningful consequences[115]. This group also identified a perception of feeling very removed from the Vancouver police department and the justice system in general[116].

HOW DOES THE CANADIAN PUBLIC VIEW CRIME AND THE JUSTICE SYSTEM

REGARDING PREVENTION/ENFORCEMENT:

Canadians favour prevention over enforcement by two to one[117]. The majority of Canadians (73%) are increasingly in favour of preventing youth crime through opportunities and services as opposed to enforcement; similarly, a relatively high percentage of Canadians (47% state a high level of interest) have expressed interest in becoming involved in crime prevention initiatives and 52% report that they believe crime prevention to be highly effective[118].

CONFIDENCE IN THE JUSTICE SYSTEM:

When Canadians were polled regarding their confidence in the justice system, 57% reported a great deal or quite a lot of confidence while 43% stated not very much or no confidence at all[119]. Internationally, this places Canada slightly higher than average in comparison to several European countries and the United States. Canadians report considerably more confidence in other public institutions than they do in the justice system[120].

Relative to other provinces, British Columbians report a low amount of confidence in the justice system. However, it should be noted that British Columbians seem to report lower relative confidence in all public institutions[121]. Several surveys attempting to measure confidence in the justice system conducted throughout Canada have indicated that the public generally report the highest confidence in the police, followed by the courts, the prison system, and finally the lowest confidence in the parole system and, if included, the youth justice system[122].

Roberts suggests that there is a relationship between the level of knowledge about the criminal justice system and the level of confidence in it[123]. Roberts also suggests that the reported lack of confidence in the Canadian justice system may result from the following public perceptions: climbing crime rates, overestimation of recidivism rates, system bias in favour of offenders/suspects, underestimation of sentence severity, overestimation of Canadian sentencing leniency in relation to other countries, and an overestimation of offenders granted parole and offences committed while on parole[124]. Examples of governmental interventions aimed to promote confidence in the justice system are citizen court advisory committees (mostly in the United States), enhancing public input, educational programs, media programs, judicial outreach, public opinion surveys, and the Alberta "Summit on Justice"[125].

FEAR OF CRIME

Statistically, feelings of dissatisfaction with ones general safety from crime are related to an increase in risk of victimization[126]. Contrary to conventional wisdom, living in urban vs. rural areas does not predict an increased risk toward violent victimization[127]. However, living in a community where residents believe that crime is increasing and feel unsafe walking alone after dark is correlated with higher levels of violent victimization and with household victimization. As with many Canadians who live in large western cities, the Vancouver public report a low perception of overall safety from crime[128].

Statistics Canada suggests that fear of crime may be related to ones perception of the justice system and reports finding that members of the public who perceived the justice system (including police, courts, prison, and parole systems) to be doing a poor job was correlated with an increased fear of crime [129]. Moore and Trojanowicz also report that research indicates that initiatives designed to enhance the quality of interactions between the public and police are successful in reducing the public's fear of crime[130]. Community police centres, and storefront police stations also aid in a reduction in the fear of crime[131].

Collaborative endeavours involving the public and the police have been shown to reduce fear of crime, disorder, and crime in public housing and the surrounding areas as well as improving the quality of life in local public housing districts[132].

WHAT IS THE CRIME RATE IN CANADA, BRITISH COLUMBIA, AND VANCOUVER?

CANADA

- Motiuk et al. report an overall downward trend in Canadian crime rates since 1991 with a 17% decrease in the overall number of crimes reported by police[133]. However, Statistics Canada has recently reported that in 2003 police reported crime rose 5.5% from the previous year[134]. Both police reported data (Uniformed Crime Reports) and Victimization surveys show a nationwide trend with crime rates being lower in the east of Canada and generally increasing to the west[135].
- Victimization is 33% higher for rented households than for owner-occupied households[136].
- In 2002, the residential break and enter rate had declined in all of Canada's large cities including Vancouver[137].

BRITISH COLUMBIA

- British Columbia experiences the highest per capita rate of drug crimes in Canada; in 1997 B.C.'s drug incidents were almost double the Canadian average while reporting the lowest charge rate for drug offences at 47%[138].
- British Columbia's police reported incidence of theft under $5,000 is almost double the Canadian Average (4097 vs. 2220 incidents per 100,000 people)[139]. British Columbia's disturbing the peace incidents are similarly high when compared to the Canadian rate (873 vs. 438 incidents per 100,000 people)[140].
- In the 1999 Crime Victimization Survey British Columbia residents reported break and enter incidents at a rate 1.5 times the national rate, and theft of property at 1.7 times the national rate[141].

VANCOUVER

- The Vancouver Police Department report that in 2003 Vancouver experienced a slight increase in reported crime (1.5%) from 2002[142].
- Statistics Canada reports that of cities with a population over 500,000, Vancouver is second highest behind Winnipeg in its' total crime rate and leads Canada's larger cities in the rate of property crime[143].
- Among Canadian cities in 2002 Vancouver placed second only to Thunder Bay for police reported drug offences and was slightly higher than Victoria[144].

THEMES:

- British Columbia and Vancouver both experience a high crime rate relative to other provinces and cities in Canada.
- Canadians in general and British Columbians especially do not have a very positive view of the justice system.

What causes/enables street crime and street disorder?

The question of what enables or causes crime is actually more complex than it may at first appear; this question is also interrelated with the next section of this report regarding who commits street crime. Perhaps a more apt question to ask is what risk factors are correlated with crime rate changes?

Although there is a great volume of literature available regarding the cause(s) of crime there is very little that examines street crime in particular. The cause of crime has long been the subject of theoretical and academic discourse.

There is of course no established singular 'cause' of crime. Crime and deviance are complex constructs of human behaviour that stem from personal, behavioural and situational factors. As this report is focused on a crime trend in Downtown Vancouver and not on individual offenders, the focus here should perhaps be crime rates.

The explorations of the causes of crime range from very abstract and academic to the more substantive and practical. Some analyses are focused on the individual in question (ie. personal self control) while others examine broad societal trends (ie. crime rates relative to the economy).

Any sort of exhaustive review of Criminological and Sociological theory regarding the cause of crime is beyond the scope and interests of this paper however we do know that there are some established risk factors correlated with increased criminality that may be relevant to public policy and the mandate of the SCWG. This report, will examine environmental risk factors in this section and more personal risk factors in the next section that deals with the question of who commits street crime.

ENVIRONMENTAL RISK FACTORS CORRELATED WITH INCREASED CRIME

There are neighbourhood demographic characteristics that are associated with or may enable crime: Economic disadvantage, less education, female single parent families, Aboriginal residents, recent immigrants, lower levels of residential stability, housing in need of repair, and fewer owner occupied buildings[145]. Needless to state, many of these factors are closely related; for example, if someone is in poverty they seem less likely to have home ownership.

CRIME DISTRIBUTION/WINNIPEG CRIME MAPPING PROGRAM[146]

The Winnipeg crime-mapping program attempted to build on the well-established concept that crime is unevenly distributed throughout metropolitan areas with a high percentage of crime occurring in a small area. Specifically, the program utilised Geocoding and the Winnipeg Police reported crime data from 2001 to specifically map out where crime 'hotspots' are and examine them in relation to socio-economic variables, housing and land use, and neighbourhood population characteristics/demographics.

The results were similar to many cities in that a very small area in the downtown core was found to experience a highly concentrated amount of crime. Property crime was found to be somewhat more widely spaced than violent crime, but still highly concentrated.

SOCIO-ECONOMIC VARIABLES:

Property crime and violent crime were both found to be higher in neighbourhoods that had a higher percentage of: receipt of government transfers, people without high school education, people with low income, unemployed people, and low median household income.

LAND USE/HOUSING CHARACTERISTICS:

Property crime and violent crime were both found to be higher in neighbourhoods that had a higher percentage of: commercial zoning, multi-family zoning, housing in need of major repair, older construction, and less owner occupied housing units.

POPULATION CHARACTERISTICS:

Property crime and violent crime were both found to be higher in neighbourhoods that had a higher percentage of: residential mobility, recent immigrants, aboriginal residents, and female single parent families.

What was unique to this study was the ability to tease apart several of the closely related demographic risk factors listed in the previous section. Through the use of a multivariate technique, several of the most highly related risk factors to both violent and property crimes were able to be isolated. Socio-economic disadvantage was found to be the most strongly associated with both violent and property crime. The condition of housing (state of repair) in the neighbourhood, and land-use types (increased property crime in commercial zoning) were also related to increased crime.

The consultations conducted by the Street Crime Working Group revealed that the following are believed to be some of the causes of street crime in Vancouver:

- Insufficient treatment options for addicted/dual diagnosed offenders[147].
- Offenders need more meaningful consequences[148] .
- Lack of adequate/appropriate housing[149].
- Barriers to accessing mental health services[150].

ANALYSIS OF RELATION OF CAUSAL FACTORS TO VANCOUVER ENVIRONMENT

Below is an examination of the neighbourhood demographic of a high street crime area, the Downtown Eastside (DTES) of Vancouver. The average demographic value for the city of Vancouver is given as a comparison group. Although the focus of the Street Crime Working Group includes geographic areas outside of the DTES of Vancouver, for the purposes of this analysis the DTES will be utilised as it is situated at the core of the area of interest[151].

Environmental Risk Factors for Criminality in Comparison between Vancouver on Average and the DTES:

- Economic Disadvantage: the DTES average income is $12,485; the average for Vancouver is $48,087. The percentage of DTES population in low-income households is 80.9%; the percentage of Vancouver's population in low-income households is 31%.

- Residential Instability: the DTES experiences a higher rate of moves (68.9%) than the average in Vancouver (57.7%).
- Single Parent Families: the DTES experiences a higher rate of single parent families at 21.7%; the Vancouver rate is 16.4%.
- Rented Dwelling: the DTES rate of rented dwellings is 98.8%; the Vancouver rate is 58.8%.
- Age of Dwellings built before 1946: the DTES rate is 64.6%; the Vancouver rate is 23.6%.
- Multiple Family Dwellings: the DTES rate is 94.5%; the Vancouver rate is 62%.

As can be observed, for every environmental risk factor indicating increased crime listed above, the DTES demographic is one that indicates a predisposition toward a higher relative crime rate. More information on land-use zonings, recent immigrants with little social support, the Aboriginal population, and education levels in the DTES would enable further analysis of these variables in relation to crime rates.

MACRO GEOGRAPHIC FACTORS

As noted previously, in comparison to other Canadian cities, Vancouver experiences high rates of drug offences and has done so since the early 1990's[152]. Desjardins & Hotton note that cities near international airports, inland waterways, and marine ports have proven to be access points for the import/export of illicit drugs[153].

In examining the Vancouver environment one can see that having all three of these geographic features may have some relationship with Vancouver's relatively high drug-related offence rates.

Themes:

- Socio-economic disadvantage is the most telling predictor of crime.
- Community characteristics have a strong influence on crime.
- A large ratio of crime tends to be localized in a small area.

Who Commits Street Crimes and Street Disorder?

The questions of what causes crime and who commits crime are quite interrelated. We need to know more about the population that commits crime and street crime in particular. Although there is little literature that discusses the demographic of street crime offenders in particular, there is information available regarding crime in general.

While the previous section examined environmental/neighbourhood risk factors that are correlated with increased crime, this section examines the more personal risk factors as they are expressed through variables such as age, drug use and mental disorder. This is not an attempt to stigmatize, or to label any particular group as criminal; rather it is an attempt to examine the demographic variables in the populations that we know experience increased conflict with the law relative to the general population.

To the extent that this exploration of the crime includes subgroups of Canadian society (for instance those with addictions), these populations are examined due to their higher representation in the justice system and not to lay blame on any particular subgroup.

PERSONAL RISK FACTORS

The following risk factors experienced during youth development may predispose an individual for criminality: poverty and inadequate housing; inadequate parental (or guardian) guidance; social and cognitive deficits; violence in the family; school exclusion; limited vocational opportunities; and violence in the individual's culture[154] Needless to state, these factors are also interrelated and related to the environmental risk factors noted in the previous section.

Many of the populations discussed further in this section are examined due to the fact that they are over represented in the justice system. It is the premise of this report that they are over-represented not because they are inherently criminal; rather, it is because they experience the risk factors noted above at a higher rate than the general population. What this report seeks to explore is how these risk factors can be identified, ameliorated, and the barriers that they present to the individual reduced.

REPEAT RECIDIVIST SUBGROUP

The well-established concept that a small subgroup of offenders commits a large percentage of criminal activity is highly related to the problem of street crime in Vancouver[155]. The figures for this disparity are generally that around 5% of the population account for at least 50% of the offences[156]. Wolfgang, Figlio and Sellin coined the term chronic offender (and defined it as 5 convictions) in their 1972 study that found that six per cent of juvenile males born in Philadelphia were responsible for 52 per cent of the total number of arrests[157].

Thomas, Hurley & Grimes found that in Canada recidivistic offenders tend to commit property crimes (specifically theft) and recidivists who were charged with property crimes had committed the highest levels of prior property offences[158].

In a study conducted in Australia on recidivist offenders, Makkai et al. note that "high volume offenders have completed fewer years of school, are more likely to be in government housing, and are more likely to be a drug user and to have mental health problems", and to be unemployed[159]. This information echoes the concept of risk factors predisposing a disadvantaged group for criminality that was outlined at the beginning of this section.

GENDER OF OFFENDER

It is well established that males generally commit crime at a higher rate than women. A Canadian study by Thomas, Hurley & Grimes found that among young adults, males were more likely to be repeat offenders than females[160]. Similarly, Statistics Canada reports that in 2003 males committed 76.7% of the police reported property crime violations[161].

YOUTH/AGE OF OFFENDER

It has been observed repeatedly that young people are over represented as both victims of crime and offenders[162]. Following Jobes, offending is generally associated with age (much more common in those aged 15 to 25) in both the US and Australia[173]. Similarly, Gaetz found that in comparison to the Canadian public as a whole, Toronto street youth experience a much higher level of victimization[164].

In a Canadian study, Thomas, Hurley & Grimes found that the younger the offender at the time of the first offense, the greater the likelihood of a 'career' of recidivism[165]. Canadian youth are generally over represented in break and enter crimes; in 2002, youth aged 12-17 represented 37% of all charges[166]. Also, youths accounted for 26% of persons charged for property crimes[167]. The UK's Home Office found that over half of personal robbery offenders were between 16 and 20[168]. In Canada, young adults aged 18-24 experienced the highest rate of drug-related violations of any age group; this group also makes up 49% of drug cases involving possession and accounted for 41% of all drug cases in adult criminal court. The next highest reported age group for drug offences is the group aged 12-17. Statistically, drug violations tend to be negatively related as age increases past the age of 24[169].

Youth Themes:

- Youth are over represented as both victim and perpetrator of crimes.
- An earlier age of onset of criminality may indicate future recidivist offenders.
- Criminality generally decreases after the age of 25.

DRUGS/ALCOHOL

Although it is often assumed that there is a direct and causal link between drugs and crime, in actuality this relationship is much more complex. Pernanen et al. note that often the study of the relationship between drugs and crime is ideologically driven, emotional and often irrational[170].

While there are many sources of data available that use situational associations between both drugs and alcohol and criminal activity, drawing direct causal connections between the two should be undertaken cautiously[171].

Desjardins & Hotton note that in the 1999 General Social Survey on Victimization, in roughly half of physical assault and sexual assault offences the victims reported that they felt that the offence was due to the offenders' use of drugs or alcohol[172].

Jobes observes that "heavy and persistent use" of drugs is common for criminal offenders[173]. However as Pernanen et al. note, a very small amount of crimes can actually be "exclusively determined by the use or abuse of drugs or alcohol"[174]. Many other factors have an influence on criminal events.

In a recent study of Canadian federal and provincial inmates and arrestees Pernanen et al. found that dependence on alcohol or drugs was highly related to criminality, and that alcohol-dependent federal inmates were much more likely to have committed a violent crime than were drug-dependent inmates, while drug-dependent inmates were more likely to have committed an acquisitive crime (often property crimes)[175].

This group of researchers also discovered that dependent federal inmates (dependent on either drugs alcohol, or both) reported an average of 7.1 crimes per week prior to their arrest, and that from 14% to 16% of all inmates and arrestees reported committing their most serious crime in order to gain drugs for personal use. Other results from this research indicated that more than half of all inmates and arrestees sampled reported that they had been under the influence of some sort of psychoactive substance, including alcohol at the time of their arrest[176].

Finally, specific to drugs, one should note that simply by having illicit drugs on ones possession is a crime in Canada. This fact makes comparisons between illicit drug related crime and alcohol related crime very complicated, as alcohol possession and use is legal. In regard to the legal system's response to drug crime, Pernanen et al. note that "A great share of the crimes that are often seen as "causes by" illicit drugs or the illegal drug market are, in the final analysis, mainly determined by the definitions of the legal system"[177].

As noted earlier, British Columbia experiences the highest per capita rate of police reported drug crimes in Canada[178].

CONSULTATION INPUT

The Main Street Provincial Crown Counsel and Support Staff and the Addicted Clients Focus Group consultations identified that[179]:

- If "the profit market wasn't there for drugs petty crime would go down".
- There are not enough detox resources available.
- Prescription illegal drugs for addicted offenders would reduce street crime.
- Access to detox treatment is a barrier[180].

Themes with Drugs/Alcohol:

- It is difficult to compare alcohol and drug related offences, as drug possession is an offence and alcohol possession is not.
- Drug dependent inmates and arrestees tend to commit acquisitive property crime, while alcohol dependent inmates tend to commit violent crimes.
- Although there is often a causal connection created between drugs causing crime, careful examination of the research shows that this may be more of a correlation. What can be stated is that criminals tend to use illicit drugs and alcohol heavily.

OFFENDERS WITH A MENTAL ILLNESS/DISORDER

The deinstitutionalization movement with subsequent lack of supports in the community has resulted in large numbers of people with a mental illness living homeless and in jails. Torrey notes that the "Deinstitutionalization of seriously mentally ill individuals has been the largest failed social experiment" in that there has not been support put in place to assist mentally ill individuals in the community (p.1612)[181].

Without adequate community supports, the mentally ill individual may experience the 'revolving door' effect in and out of the courts.

If their illness is not discovered or not made known, they can be sent to a conventional correctional facility where their stay is often far from rehabilitative. It is paradoxical that the justice system must attempt somehow to meet the needs of populations it was never designed to handle. Arrigo refers to this "process by which persons with psychiatric disabilities are repeatedly and alternately contained in the mental health and/or criminal justice systems" as "transcarceration" (p. 181)[182].

Like many justice systems internationally, the Canadian justice system needs to learn more about mental illness prevalence rates among the population who are in conflict with the legal system.

Our criminal justice system operates on the principle that the people involved in it are rational; this assumption may be fundamentally flawed when dealing with an offender with a severe mental illness. In the relevant literature, differing mental illness prevalence rates for inmates and offenders abound. This is likely due to differing diagnostic criterion used to assess mental illnesses as well as differing study methods and techniques.

However, mental illness prevalence rates among offenders in Canadian federal custody do highlight a need for a different approach with this population.

In Motiuk and Porporino's research report conducted through the Correctional Service of Canada it is noted that "inmates in federal [Canadian] institutions have experienced much more mental disorder than was understood before" and that this prevalence is quickly becoming a challenge to federal corrections (p. 29)[183].

In this study, a diagnostic tool called the D.I.S. (Diagnostic Interview Schedule) that utilised criteria from the DSM-III (A.P.A.) was used to screen federal male inmates/offenders from across Canada for symptoms of most major mental illnesses. Various prevalence rates are noted for every geographic zone measured and each type of illness, for example psychotic type disorders were found in 7.7 % of the federal inmate population.

The authors noted that there was no significant difference between disorder rates in different areas across Canada. The study also found that robbery offenders had the highest lifetime rates of substance disorders (54.6%) and antisocial personality disorders (71.5%)[184].

Similarly, when screening Canadian male inmates using the D.I.S., Bland et al. found that prison inmates were twice as likely to have a mental illness as compared to the general population[185]. Another report by Motiuk, Boe, and Nafekh (2003) state that at admission to a federal corrections facility, 19% of convicted offenders have been hospitalized in a mental health facility, 10% have a current severe psychiatric diagnosis and 16% have been prescribed psychotropic medication[186].

Carrado et al. utilised the D.I.S. and two other measures to assess admissions to the Vancouver (B.C.) Pre-trial Service Centre and found that the rates of severe mental illness were between 11% and 16%, depending on the measure utilised[187].

A review of a large number of studies of mental illness rates in correctional facilities resulted in rates from 5% to 12% for severe mental disorders and 16% to 67% for any mental illness[188].
In an examination conducted on federally incarcerated inmates in the U.S., Ditton observed that mentally ill offenders were much more recidivistic than non-mentally ill inmates; 49% of inmates with a mental illness had three or more prior incarcerations, probations, or arrests vs. 28% of people without a mental illness[189].

People who have a mental illness are not over represented in the justice system simply because they are inherently criminal. They are over represented because they have higher needs than average and experience certain risk factors for criminality more than average.

They tend to be poorer, have addictions at a higher rate and tend to experience less success in social and economic pursuits; as noted previously, all of these characteristics will put any group at increased risk for criminality.

THE MPA COURT DATA

The Motivation, Power & Achievement Society (MPA: formally called the Mental Patient's Association) collects statistics for mentally disordered offenders (MDO's) who appear in Vancouver Provincial court[190].

These statistics do not relay features such as diagnosis or age of the offender. Gender data is supplied. From a sample taken from the months of June, July, August, and September of 2004 the MPA identified 2354 appearances by mentally disordered offenders with an average of 31 appearances per day. Also during this period, 723 new charges were laid against mentally disordered offenders.

The MPA also found that for this time period (June-Sept. 2004) the charge of theft under ($5000) was the most frequent charge with 520 appearances at a percentage of 22.1% of all appearances. Assault appearances were also high with a total of 407 and a percentage of 17.3% of the total appearances and breaches occupied 14.6% with a total of 344.

HOMELESSNESS, MENTAL ILLNESS AND CRIMINALITY

Zapf, Roesch, & Hart randomly sampled the Vancouver Pre-trial Service Centre and assessed individuals for homelessness and mental illness. They found that a significantly higher ratio of the individuals who were homeless tended to be more severely mentally ill than those who had housing[191].

Although this research found no difference in the types of crime committed by the homeless and non-homeless populations, homeless individuals were more likely to have a juvenile criminal history as well as an adult criminal record. Indeed, Zapf, Roesch, & Hart argue that partnerships between systems must be enacted between the health care system and the justice system in order to meet the complex needs of this population and that "an effective solution will need to combine the efforts of social service, housing, mental health, and drug and alcohol addiction service providers"[192].

In examining homeless/street youth in Toronto in the late 1980's McCarthy and Hagan found results that indicate that crime is a socially learned behaviour and that living on the street and homelessness lead to an "embededness in criminal street networks and exposure to mentors" who relay criminal skills to the vulnerable individual (p. 88)[193].

In examining homeless/street youth in Vancouver, McCarthy also found that there may be a positive relationship between the amount of time spent on the streets and criminal involvement[194].

CO-OCCURRING DISORDERS OF A MENTAL ILLNESS AND ADDICTIONS

Until recently, there was little acknowledgement from medical treatment communities that co-existing disorders of mental illnesses and addictions need to be treated simultaneously in an integrated model.

Clients with a co-occurring disorder would experience difficulties accessing either type of treatment due to the mandates of the health service providers to treat only mental health issues or addictions issues but not both[195].

It is important to consider for both policy implications and research direction that mental illness and substance addiction (alcohol or drugs) are far from mutually exclusive categories. People who have a mental illness are more susceptible to addictions and people with addictions are more susceptible to mental illnesses[196].

Substance addiction is considered a mental illness in the diagnostic criterion (DSM) for mental illnesses. This must be considered when examining statistics regarding mental illness prevalence rates in any population.

People with co-occurring disorders also have reduced rates of treatment compliance and follow through, and Peters & Hills have recommended that treatment be highly individualized[197].

CONSULTATION INPUT

The consultations identified:

- The justice system is not the appropriate place to deal with mentally ill offenders[198].
- There are high numbers of mentally disordered offenders in the criminal justice system[199].
- There are a significant number of mentally ill residents and many of them are not receiving needed support services in the community[200].

Themes regarding Offenders who have a Mental Illness:

- Co-occurring disorders require individualized integrated treatment.
- Partnerships between agencies must be utilised in order to meet the complex needs of this population.
- Mental illness and substance abuse have an intertwined relationship.

FETAL ALCOHOL SPECTRUM DISORDER (FASD)

The justice system is only just beginning to learn of the implications of Fetal Alcohol Spectrum Disorder (FASD). The terminology surrounding FASD is not uniform and can be confusing.

For the purposes of this report, the term FASD will encompass all manifestations of alcohol's effects on a foetus, including the terms FAS, FAE, and ARND.

FASD is a spectrum (severity and physical manifestations can vary) of neurological impairments that result from the mother drinking alcohol during pregnancy. People with FASD can be difficult to diagnose due to the highly variable manifestation of the disorder[201].

Some people with this disorder experience neurological deficits yet show little physical dysmorphology (Fetal Alcohol Effects). Others experience both the neurological effects and physical characteristics that are recognizable to the trained eye (full FAS).

The prevalence of FASD is thought to vary considerably depending on the population, but most estimate that roughly 2 people in 1000 on average in the general population experience this disorder[202].

People with FASD have difficulties learning from mistakes and in connecting cause and effect[203]. This, coupled with a high degree of co-occurrence with mental illnesses, addictions, social difficulties, impulsivity, poor academic and vocational performance, predisposes this population for conflict with the justice system (Streissguth, Barr, Kogan, & Bookstein, 1996; Boland et al., 1998)[204].

Streissguth et al. conducted a long-term study with 253 adolescents and adults with FASD and found that 60% had been in conflict with the law and 50% had been incarcerated; very high rates of mental health issues, substance abuse and inappropriate sexual behaviour. Although a broad variety of criminal offenses were found, theft and shoplifting were common[205].

As mentioned, this population is at increased risk for criminal justice system involvement and victimization due to a cognitive predisposition toward impulsive behaviour, and the difficulty in foreseeing the consequences of ones actions and modifying ones behaviour as a result of consequences[206].

Ironically, these same deficits may limit the efficacy of traditional criminal justice interventions with this population and yet few appropriate disposition programs are available[207].
This inability to connect behaviour and consequences translates into jail not being a deterrent to criminal behaviour[208].

Locally, researchers conducted a screening for FASD at the Youth Forensic Psychiatric Services in Burnaby, British Columbia; 23.3% of the youth screened were found to have some form of FASD. Of the 67 found to have FASD only 3 had been previously diagnosed[209].

This is an atypical sample population and as such generalizations should be made carefully when examining this data. However, this prevalence does suggest further examination of the relationship between youth (and adults) in conflict with the justice system and FASD.

Themes regarding FASD:

- Jail is not a deterrent to this population as they poorly connect behaviour and consequences.
- Many individuals with this disorder are not diagnosed and show little physical signs of the disorder.

CANADA'S ABORIGINAL POPULATION

Canada's Aboriginal populations experience relatively[210]:

- Lower employment levels and correspondingly higher unemployment levels.
- A younger average age (25.5 years vs. 35.4 years).
- Increased likelihood of criminal victimization especially violent crime when compared to the non-aboriginal population (35% vs. 26%).
- Lower educational levels.

The relationship (and similarities) of these demographic factors to the personal risk factors for criminality listed at the beginning of this section cannot be understated and certainly must play a role in the Aboriginal over-representation in the Canadian justice system.

Canada's Aboriginal population experiences disadvantages that force this group to experience risk factors that are associated with increased criminality.

Likewise, Aboriginal youth are more likely to be over-represented in many aspects of the justice system including: alternative measures, remand, probation, and sentenced custody.

Similarly, Aboriginal adults are also over represented in the justice system in prisons, on probation, and in receiving conditional sentences; 2% of Canada's adult population is Aboriginal yet Aboriginal populations make up 17% of our incarcerated population.[211]

What are other Jurisdictions Doing in Response to Crime, and Street Crime?

There is an exciting amount of new, creative, and innovative approaches to the delivery of justice occurring internationally. This paper can provide but a small sample of the diverse programs that now exist and the listing below is far from exhaustive.

The programs listed below have been selected as they seemed the most relevant, most clearly described, and the best researched of the many programs sampled for this report.

From problem solving courts in the United States to prolific offender programs being implemented in the United Kingdom, there are a variety of approaches that reflect local needs, resources, philosophies, and priorities.

The Street Crime Working Group has conducted repeated consultations with multiple groups of stakeholders. From these consultations some re-occurring themes emerge:

- The need to address the underlying causes of crime such as mental illness and addictions.
- The need and desire for collaboration between all stakeholders including the community and health care providers.
- The need for adequate affordable housing.

Other jurisdictions have faced similar challenges and met them with differing and innovative interventions.

MULTIDISCIPLINARY AND INTEGRATED JUSTICE PROJECTS

The concerns raised by many of the consulted stakeholders as well as the needs identified in the populations who frequently commit street crime speak to an approach to justice that is both multidisciplinary and integrated in its attempt to meet both the requirements of justice and address the underlying causes of crime.

In a report created for the Department of Justice Canada, Kiefl explored the concept of Multidisciplinary and Integrated Justice Projects[212].

While this analysis initially attempted to examine the development of Integrated Justice Projects, it ultimately became an examination of the projects themselves. Kiefl examined over 70 justice projects and from these identified a working definition of integrated justice projects, as well as best practices, partnership orientations, and common outcomes

Kiefl provides a working definition of Integrated Justice Approaches and objectives:
Integrated Justice is described as an intervention with justice related problems that involve integrating different stakeholder agencies in such a manner that enhances effectiveness and efficiency. Specifically, this approach to justice is stated to:

- Combine the justice system with other disciplines and approaches to solving problems.
- Combine jurisdictional boundaries and/or funding responsibilities
- Establish connections within the justice system and between the justice system and other systems and services
- Establish compliance initiatives for a range of enforcement responses (including bodies external to the justice system) in order to maintain public policy standards and minimise government's direct role.

The author also states that the overall objectives of an integrated justice approach is to provide a services that is seamless, rational, and harmonized as well as services that attempt to resolve underlying problems that lead to crime rather than deciding disputes.

Kiefl received information from 72 multidisciplinary justice projects and from these responses identified the following best practices:

- *Early consultations* with stakeholders engage partners, develop meaningful partnerships, and foster stakeholder ownership of the project.
- *Partnerships must be genuine* and display equality and equal opportunities for project
- *Inclusive decision making* processes develop ownership and 'buy-in' from all involved partners and agencies.

Kiefl also notes that the *partnership orientations* among the justice projects can be delineated into four categories:

- Community Partnerships: justice agencies partner with affected/interested communities to address a justice problem.
- Justice System Co-ordination: justice agencies become more involved with other justice system agencies with the goal of integration and cooperation of interventions.
- Inter-System Cooperation: justice system integration with other public systems.
- Holistic Approaches: orientated toward a holistic/complete response to an issue. May include elements of other partnerships.

Kiefl cites three types of outcomes and benefits that may arise from integrated justice projects:

- Community Development
- Reduced costs and improved efficiency
- Reduced crime, fear of crime, and victimization

PROBLEM SOLVING COURTS

One example of integrated justice projects is problem solving courts. Problem solving courts are a recent development in the delivery of justice services.

Most are found within the United States. They have developed in response to demand from the public, lawyers, the judiciary, and other criminal justice system stakeholders to attend to the need for criminal justice responses to crime that deal with both the increased caseload volume seen in most jurisdictions and an examination of the underlying causes of crime[213].

Problem solving courts are often developed to reflect local needs; however the courts share some common elements:

- A focus on meaningful *outcomes* for victims, offenders, and society
- Governmental *systems change* and reforms that extend beyond the courtroom to other service systems
- *Judicial authority* used throughout the adjudication and post-adjudication process
- *Collaboration* between the court and governmental and not for profit service agencies.
- *Non-traditional Roles* where judges and lawyers work together and judges are coordinators and brokers of services[214].

Problem solving courts often utilise integrated information sharing computer systems to provide information on compliance issues, completion of alternate sanctions, risk assessment, and co-ordination of services to meet the needs of offenders.

These systems enable these courts to have timely access to information on relevant programs and offender follow through with court orders and alternate sanctions[215].

There are four general models of problem solving courts:

- Community Courts
- Drug Courts
- Mental health Courts
- Domestic Violence Courts

As Community Courts, Drug Courts and Mental Health Courts are more relevant to the issues of visible street crime; these models will be explored in more depth below.

COMMUNITY COURTS

[The following section on Community Courts was written by Meghan Holland of the Center for Court Innovation]

The first community court in the United States, the Midtown Community Court, was opened in New York City's Times Square neighbourhood in 1993. The court was launched as a three-year demonstration project to test the ability of courts to partner with criminal justice agencies, social service providers, and residents to collaboratively solve the thorny problems facing its community.

To date, some 25 cities in the U.S. have community courts in operation, with at least five more in the planning stages[216]. A community court recently opened in Liverpool, England, and several other countries -- including Scotland, Ireland, Australia and New Zealand -- are examining the model.

CORE COMPONENTS OF COMMUNITY COURTS

Courts have often failed to meet the needs of the criminal justice system's primary consumers – the neighbourhoods that experience crime. Community justice programs, whether community policing, community prosecution or community courts, seek to solve neighbourhood problems through partnerships and testing new and aggressive approaches to public safety.

At their heart, community courts work to make courts more effective in dealing with quality-of-life crime. To do achieve these ends, the community court model relies on the following core principles:

RESTORING THE COMMUNITY

Community courts recognize that communities are victims. Quality-of-life crime damages communities and if left unaddressed creates further disinvestment and creates an atmosphere where more serious crime can flourish. While standard sentences do little to pay back the community, community service – a common sanction of community courts – restores the neighbourhood where the crime was committed.

In order to help offenders regain control of their lives and prevent recidivism, punishment is combined with help. Offenders are linked to social services such as health services, job training, and drug treatment. Community courts also give the community a voice in shaping restorative sanctions. Residents may be engaged, for example, in brainstorming community service projects and by serving on a community advisory board[217].

BRIDGING THE GAP BETWEEN COMMUNITIES AND COURTS

Community courts make justice visible and accessible. As offenders provide community service to the neighbourhood, residents see community justice at work.

By publicizing social service success stories, community courts give residents tangible evidence that the justice system is working to solve problems. Courthouse staff are typically available to answer questions and assist members of the public[217].

Community courts also work to address problems before they reach the courtroom. For example, mediation services are available at many community courts so neighbours may discuss their differences and reach a mutually acceptable agreement. Using their neighbourhood locations, community courts provide services to victims, oftentimes in a more comfortable environment than a larger, centralized courthouse[219].

REPAIRING A FRACTURED CRIMINAL JUSTICE SYSTEM

As a central hub in the justice process, a well functioning community court brings together criminal justice agencies that often operate in isolation. Recognizing that community courts cannot solve community problems alone, partnerships with local businesses, government agencies, and non-profits provide valuable expertise and services to support the court's mission.

The problems facing individuals often do not conform to the rigid boundaries set forth by court systems. Community courts handle all cases under the same roof and steady communication among all key players - including judges, clerks, police, attorneys, treatment providers, and counsellors – enhance the courts' ability to address a defendant's underlying problems[220].

HELPING OFFENDERS DEAL WITH PROBLEMS THAT LEAD TO CRIME

Involvement in the criminal justice system can be a powerful time to get offenders the help they need to improve their lives. Social services are typically available on a voluntary basis, and sentences mandating participation in services are designed to help defendants overcome the challenges they face and may include drug treatment, medical services, educational programs, and counselling.

Judges monitor offenders participating in longer term interventions, rewarding progress and imposing new sanctions for failure[221].

PROVIDING COURTS WITH BETTER INFORMATION

By making available as much information as possible at the defendant's first appearance, the judge is able to match the defendant with the most appropriate services to address his or her needs.

A central database connects the judge, prosecutors, defence attorneys, and social service staff and allows them to share information and work together to best help defendants and the community. The database also allows key court players to access the most current information on a defendant's progress. With current information, problems are addressed early before they snowball into crises[222].

HOUSING THE PROJECT IN SPACE THAT REFLECTS THESE PRINCIPLES

The courthouse itself should embody the mission of community justice. From holding cells to public entryways, the building's design should reflect the idea of making justice more accessible and problem-solving for a given community.

The space needs to accommodate a range of partners – including social service providers, victim advocates, community service managers – and allocate space for group meetings and workshops. By locating social services and legal proceedings under one roof, community courts reflect the mission of restorative justice, combining punishment and help[223].

OUTCOMES

The Midtown Community Court in New York City and the Hennepin County Community Court in Minneapolis, Minnesota have both undergone comprehensive evaluations. Based on data collected from focus groups, patterns of sentencing and sentencing compliance, treatment outcomes, an ethnographic study of changing street conditions and a public opinion survey, several conclusions may be drawn.

Within community courts, community service projects and treatment sanctions are the most common sanctions, with more traditional sanctions of jail, fines, or time served being rare.

Case disposition at the time of arraignment is higher than in traditional court and sentences to community service and treatment programs commence immediately.

Compliance with these sanctions is higher than compliance with sanctions at traditional courts. Conclusion of cases occurs more quickly in community courts than in traditional courts[224].

Community residents have reacted positively to the components of the two community courts, in particular monitoring and drug treatment. Defendants feel that community courts are more "intrusive than traditional courts because non-compliance with court orders is monitored, enforced, and sanctioned with longer (for the kind of case) jail sentences"[225].

Subsidies from the justice system for enhanced pre-trial services and increased numbers of court staff, frequency of "secondary jail" when a defendant is sentenced to jail after failing to complete first court order, and lost economies of scale add to the cost of community courts.

On the other hand, community courts generate significant savings in jail time in comparison to traditional courts. Moreover, according to community residents, the benefits of community courts outweigh the costs[226].

HOW THE MODEL HAS EVOLVED

The Midtown Community Court model has set the stage for new community courts in operation and planning. As the model has spread it has also been adapted, reflecting the specific needs of their communities and the constraints of resources and support.

Planning leaders for each community court have varied widely across different jurisdictions and have included judges, district attorneys, a mayor, and a county criminal justice commission. Many projects hired a dedicated court planner (either full-time or a percent of another employees time) to take the reins in the logistics of the court planning process. The average planning period was two years[227].

The communities which house the community court also reflect a range of jurisdictions. Today, community courts are in inner-city residential neighbourhoods, downtown areas, suburban areas, and some even are testing the model to serve an entire medium-sized city.

The community court building also reflects adaptations to the model. While some community courts, like the Midtown Community Court, operate in their own dedicated space, other community courts are located in centralized courthouses.

Still others hold court proceedings in the central courthouse but conduct all other aspects of the community court model – drug treatment, mediation, job training – in a building located within the neighbourhood the court serves[228]. The new community court in Dallas, Texas has taken the model one step further, by adding a courtroom to a longstanding, thriving community centre with over 20 different service programs.

Differences in the level and number of social service linkages for defendants can be seen throughout the operational community courts. A majority of community courts provide services to defendants such as drug treatment and counselling, as well as ongoing case management. Other community courts provide referrals to providers for ongoing case management or social services; others make referrals to both services and case management[229].

To different degrees, community courts are using community service and social services to construct meaningful sanctions for defendants. While all jurisdictions use community service as a feature of the sentencing structure, some have questioned whether social services are appropriate as a sanction. Some community courts have grappled with whether it is possible to help someone while simultaneously punishing them while others have embraced the idea of addressing a defendant's underlying issues, such as addiction or homelessness[230].

Different community courts hear different cases. Experiments range from a judge in one courtroom hearing criminal, civil and family court cases to a judge hearing criminal court cases working closely with police and prosecutors to examine housing issues that a defendant might be experiencing[231]. Community involvement has also varied through the different community courts. In every community, planners attended neighbourhood meetings and met with key community stakeholders.

Other forms of community involvement in the planning process included conducting focus group discussions, creating community advisory boards, and consulting with residents on sentencing options. With courts in full operation, communities are engaged through door-to-door surveys, community committees, and newsletters[232].

Other adaptations to the model include the inclusion of new partners (such as non-profit organizations) and the testing of new technology. Courts are funded through a variety of sources including federal and state appropriations, government grants, and private contributions.

The adaptability of the community court model and the expansion it has seen throughout the country exemplify the impact it has made on the court system[233].

The community court model is also being adapted outside of the United States. A joint project of the Home Office, the Department for Constitutional Affairs, and the Attorney General's Office, the North Liverpool Community Justice Centre opened on December 9, 2004. Inspired by the Red Hook Community Justice, the North Liverpool Community Justice Center will combine a magistrate's court and Crown Court into a single local jurisdiction. The judge will hear cases of low-level crimes and anti-social behavior, including quality-of-life crimes such as vandalism, defacement of property, petty theft, and disorderly behavior.

The North Liverpool community has been involved in designing suitable responses to offenses and the judge intends to continue to maintain a dialogue with residents even now that the court has gotten underway[234].

CRITICISMS

Not surprisingly, as experimentation with the model has increased in the U.S., observers have raised a number of questions.

These are important issues, and while the following summary rebuts each criticism in turn, planners of any particular should strive to ensure that these problems are avoided.

Do community courts widen the net of governmental control?

Community court advocates concede that community courts do in fact expand the scope of social control, but more by mending a broken net than by expanding it, targeting a set of crimes that were going largely unpunished. At the same time, advocates emphasize the need for proportionality in sentencing, being mindful that the punishment must match the crime rather than the magnitude of a defendant's problems[235].

Do community courts lead to vigilante justice?

Community court advocates argue that, on the contrary, these projects show that when given options, residents are keen to accept constructive sentences to both restore the community and help defendants get on the right track[236].

Do community courts expose judges to undue influence?

Community court advocates admit that community court judges are encouraged to be sensitive to the community needs and concerns. Nevertheless, they insist, judges must balance community interaction with judicial independence; judges sitting in these courts have noted that "judicial independence is no excuse for judicial ignorance"[237].

Are community courts soft on crime?

The literature notes that "walks" – sentences that are attached to no penalty at all – are more than twice as common at New York's downtown court as they are at the Midtown Community Court, where offenders receive a combination of community service and social service sentences. According to researchers, defendants who have appeared at both courts believe that Midtown is "tougher" than the downtown court. Given a choice between the two, defendants would choose to appear in Midtown, where staff treats them with dignity, and they can receive assistance with their problems[238].

Do community courts stigmatize offenders?

Courts use technology to maintain information on offenders so that judges can craft appropriate sanctions based on a person's history and circumstances. Community court advocates argue that instead of stigmatizing defendants, information allows the court to be more human, responding to the real needs of real people, rather than just a name on the court calendar[239].

Do community courts erode the adversarial nature of the legal system?

Advocates note that, in community courts, the district attorney's office still prosecutes each case and each defendant is represented by a defence attorney. Social services and community service – the problem-solving core of these projects -- are not discussed until after the case has been decided[240].

Do community courts create inequity?

Some critics have asked whether paying attention to community concerns means that justice will vary from neighbourhood to neighbourhood. Advocates respond that, while consistency has always posed a challenge for the justice system – from city to city and state

> to state – some neighbourhoods have disproportionately critical problems which call for unique solutions. Community courts are adapted to meet the specific needs of the community[241].

The Midtown Community Court also offers the Street Outreach Services (SOS): a partnership between the social work/counsellors and law enforcement where a police officer accompanies an outreach worker into the community to make referrals to the services that the community court offers. The target population for this outreach is people who are homeless, addicted and out of work. They need not be in conflict with the justice system[242].

DRUG COURTS

Drug courts have arisen out of the dramatic increase in drug related charges experienced in many jurisdictions, and there are currently over one thousand in operation in the United States[243].

Drug courts seek to address the underlying causes of crime where drug abuse is involved and utilise court ordered and monitored treatment for addicted offenders. The ultimate goal of these courts is to prevent "legal and clinical recidivism among non-violent offenders with substance abuse problems"[244].

Some key elements of drug courts are: intensive judicial monitoring, referrals to addiction treatment, monitoring of outcomes, frequent drug and alcohol testing, early identification, non-adversarial approach, partnerships between drug courts and other agencies, and graduated sanctions and rewards[245]. There are also drug courts in Toronto and Vancouver, the Toronto Drug Treatment Court final evaluation has recently been released; the Vancouver Drug court evaluation is underway and is expected to be released in November 2005.

The New York State Drug Court Evaluation examined eleven drug courts and compared offenders who went through the drug courts to a group that did not. The results showed a significant reduction in recidivism both in the post arrest period and long term in the post graduation period (on average 29% reduction and 32% respectively)[246]. However, it should be noted that the program participants with a heroine addiction and prior criminal convictions were predicted for future recidivism, as were those entering on property charges.

The demographics of the participants in these drug courts were such that nearly half the participants were unemployed (and not in school) and in seven of the courts, over one quarter of the participants were homeless. These courts allowed participants multiple chances after relapse (especially early in treatment) and utilised a holistic approach to making improvements in lifestyle. The courts attempted to aid the participants in the areas of employment/vocational training, education, and housing.

In nine out of the eleven courts, graduates were significantly more likely to be employed after graduation than prior to being admitted to the program[247].

MENTAL HEALTH COURTS

Mental health courts have developed in response to the large numbers of people with mental illnesses who are in conflict with the justice system. Mental health courts seek to preserve public safety, prevent inappropriate incarceration of the mentally ill population, reduce recidivistic offending by the mentally ill population, and reduce recidivistic psychiatric hospitalization of the mentally ill population.

Mental health courts have mental health and other social service professionals involved in the adjudication process and rely heavily on court-monitored treatment.

Mental health courts are characterized by: voluntary participation of the offender, an interdisciplinary team approach, a participatory process for all involved, early identification/interventions, case management and treatment monitoring[248]. There are now mental health courts in Toronto, Seattle and several other major cities in the United States.

NEW BRUNSWICK MENTAL HEALTH COURT [249]

The St. John Mental Health Court commenced in November of 2000 and has had over 85 sittings over the course of four years. The majority of the cases handled involve a major mental illness.

The process is voluntary for the accused, and the court utilises a team approach with mental health professionals, judges, and prosecutors working together. Referrals come from the regular court and can be made at any point in the justice process and for any offence.

If eligibility and compliance is determined, the accused enters a program that consists of a court monitored treatment plan that is tailored to suit the offenders' mental health needs and lasts several months. Upon graduation charges are withdrawn. As of April 2004, there were 35 graduates, 34 of which have not re-offended.

OTHER APPROACHES TO CRIME AND STREET CRIME

YOUTH ACCOUNTABILITY BOARDS

Youth Accountability Boards are also being utilised in several jurisdictions in the United States. They are often called different names such as: community conferences, and community panels. These boards attempt to address 'low-level' juvenile crime in a way that has more meaning and accountability to the offender and allows the victim and the community to become involved in the justice process.

Trained volunteers from the community meet with the youth and his/her family and discuss the crime and the impacts that it has had on the community. The youth is given an opportunity to share their perspective on the offence, and directly affected victims are invited to participate in the process and share how the crime impacted them. The process is voluntary, and restitution agreements with a signed contract are the typical outcome[250].

COMMUNITY ACCOUNTABILITY PROGRAMS

Since 1997, more than 80 communities across British Columbia have developed Community Accountability Programs. Community Accountability Programs (CAPs) are community-based and volunteer driven programs that accept referrals for less serious offences (category 3 and 4 offences) at the pre-charge diversion stage. Referrals are typically received from the police, schools, or the community. These programs follow the principles of restorative justice to hold low-risk offenders accountable for their actions, give victims opportunities to be heard and supported, and help restore community balance by encouraging a high level of community involvement in the process. In BC, 4 program models have been typically utilized at the community level: family group conferencing, Aboriginal healing circles and other circle remedies, neighbourhood accountability panels, and victim offender reconciliation.

"These community-based programs have enjoyed varying degrees of success but have uniformly reported that, through them, community members feel more involved in the justice system."[251]

THE SPECIALIZED ASSESSMENT AND PROGRAM PILOT PROJECT FOR YOUNG OFFENDERS WITH FASD [252]

The Pacific Legal Education Association and the Asante Centre have undertaken a pilot project in Vancouver for youth with FASD who are in conflict with the law. The project seeks to provide alternatives to custody with coordinated care plans, individualized assessment, intensive support/supervision, appropriate housing, and post-program follow up. Referrals will be made from probation officers and placements made through court orders. This program will also develop and implement a best practice service delivery model addressing the needs of youth suspected of having an alcohol related diagnosis. Youth Justice Policy (Department of Justice Canada), and the Ministry of Children and Family Development for British Columbia are also partners in this project.

OPERATION ANCHORAGE (AUSTRALIA) [253]

This program practiced assertive prosecution for recidivist burglary offenders in response to an increase in burglary victimization.

CRIMINAL JUSTICE/MENTAL HEALTH CONSENSUS PROJECT [254]

This project was a two-year U.S. endeavour that involved local, state and federal policy makers, criminal justice and mental health professionals and experts. The Project's focus was improving the criminal justice response to those who have a mental illness as well as improving the mental health systems capacity to serve those who have a metal illness and are (or potentially could be) in conflict with the criminal justice system.

The project developed 46 policy statements that each has additional more specific information supporting them. The policy statements are comprehensive and relevant to all points of contact with the criminal justice system and with the mental health system. These statements are also relevant to pre-trial issues, adjudication, sentencing, incarceration, and re-entry into the community. Overarching themes identified by the project include:

- Increased collaboration between stakeholders including the sharing of resources and information.
- Increased mental health/criminal justice training for criminal justice, court, corrections, and mental health personnel, as well as increased community education regarding mental health issues.
- Mental health system efficacy in serving this population.
- The importance of measuring outcomes.

MINNESOTA CHRONIC OFFENDERS PROGRAM [255]

The State of Minnesota recently examined how their criminal justice system handles chronic offenders. A chronic offender was considered to be an offender who had been booked into a correctional facility ten or more times in the period from 1995 to 1999. The research utilised booking and convictions data as well in the determination of chronic offenders.

Like in many other jurisdictions, a small subgroup of offenders (5%) were responsible for a much larger proportion of offences (19%), and were much more likely to have committed property crimes. The program examined convictions by: offence level, offence type, region and offence type, number of counties in which there was a conviction, level of offence and county, and Primary County.

Despite this data there was little information regarding offender characteristics beyond gender and race. The program also examined the use of sentencing guidelines and offender scores in sentencing; these scores were thought to provide a measure of an offender's prior criminal activity and were based primarily on prior felonies. The cost of crime was another focus of the program and a cost comparison was attempted between Minnesota's low incarceration rates for non-violent offences vs. the costs of crime. The program came to no decisive conclusions regarding the net economic benefits of incarceration vs. the costs of crime.

The authors state that it is unclear as to what strategies would be most cost effective with chronic offenders, but do offer the following potential strategies to more appropriately deal with chronic offenders: felony sentencing, graduated non-imprisonment sanctions, targeting by police and prosecutors, and intensive probation supervision. An integrated state-wide database is needed and is under construction as criminal activity information currently is scattered among several databases that prevents the tracking of the criminal history of each offender.

COMMUNITY PROSECUTION [256]

These programs are designed to assist communities in identifying local crime problems and develop solutions for these problems by emphasizing a closer working relationship among prosecutors, justice partners, particular the police, and the community. Prosecutors meet with other justice partners, various governmental bodies, the private sector and citizens to discuss local community crime problems and work with these partners to try and solve the problems. It is about forming a partnership with the community in problem solving and not merely being in a reactive role. The approaches used in Community Prosecution programs vary between communities. Some examples include: developing special programs or projects created to address a particular crime problem city-wide; developing solutions that target crime and public safety conditions generally in one neighbourhood. The benefits demonstrated by Community Prosecution include significant reductions in crime rates in targeted areas, increased quality of life in target areas and increased public confidence in the justice system.

CRIME PREVENTION CONTRACTS [257]

France's National Crime Prevention Council coordinates inter-ministerial crime prevention contracts in urban areas with local mayors and crime prevention committees.

In 2000 there were 450 contracts signed with a total of 700 anticipated. The contracts reflect local issues are preventative in focus and promote areas such as employment, social integration, and parental support through local community justice centres. Federal funding has been supplied to employ 35,000 youth to work in partnership with police in community safety issues.

THE NATIONAL REDUCTION OF RE-OFFENDING ACTION PLAN (UK) INCLUDES THE FOLLOWING INITIATIVES:

Street Crimes Initiative in the UK [258]

This program arose due to a reported rapid rise in street crime and is focused on street robberies. It targets 'hotspots' where crimes frequently occur, youth, cell phone theft, school attendance, and drug treatment (within 24 hrs. of arrest or release from custody). Prison and probation services are allocated to provide vocational training, housing, and life-skills for offenders.

Criminal Justice Interventions Program (CJIP) [259]

This program aims to reduce drug related crime by attempting to connect drug-using offenders with treatment. Interventions are designed to engage a broad range of drug users/offenders including youth and the most prolific offenders.

Interventions can be made at arrest, court, during sentence, and post sentence/treatment.

CJIP's are expected to provide: rapid prescription services, a point of contact available 24 hrs a day, case management approach, partnership with probation and prison professionals and other relevant service providers/agencies to ensure services such as housing, vocational, educational, lifeskills, etc.

The Criminal Justice Interventions Program and the Prolific and Other Offender Strategy are designed to work in partnership[260].

Prolific and Other Priority Offender Strategy (PPO) [261]

Recently announced and currently being implemented, the Prolific and other Offender Strategy (PPO) strategies are multi-agency strategies that attempt to manage a targeted group of persistent offenders who commit a disproportionate amount of crime. The interventions are developed locally with the relevant agencies and resources are directed at the most prolific offenders as identified locally and using the National Intelligence Model.

The programs employ an 'end-to-end' strategy that has components that are separated into three categories: Prevent and Deter, Catch and Convict and Rehabilitate and Resettle.

The plans are designed so that case management follows PPO's at all stages of the sentence and resources will be allocated the PPO's according to risk. The Prevent and Deter component is aimed at preventing young offenders from becoming prolific offenders. The Catch and Convict component will offer closer monitoring and a prompt return to the courts to those who continue to offend while the Rehabilitate and Resettle component will attempt to meet needs by coordinating wraparound type services such as housing and vocational training.

Local jurisdictions are able to develop their own models providing they fall within the overall framework and provided that responsibilities for support are clearly assigned.

This allows local jurisdictions to design their own interventions based on their assessed needs and locally available services.

Scotland's Anti-Social Behaviour Strategy: [262]

The Scottish Executive has committed to reforming criminal justice in Scotland and a number of initiatives have already taken place. A consultation document entitled "Re:duce, Re:habilitate, Re:form" has been prepared which raises questions about aspects of the current system and seeks to identify effective solutions to these issues. It is available at

In March 2003 the Government published a white paper outlining its proposals for tackling anti-social behaviour. *Respect and Responsibility - taking a stand against anti-social behaviour* focused on providing local authorities and the police with a wider, more flexible range of powers to meet their existing responsibilities and respond to the needs of their local communities.

Scotland has identified examples of best practices to address anti-social behaviour that include:

- Specialized Services for young people.
- Services for Troubled and Troublesome Families and Individuals.
- Environmental, Physical and Amenity Approaches.
- Introduction of Community or Neighbourhood Wardens which can have a positive effect in reducing and preventing anti-social behaviour and increasing residents feelings of security by being a highly visible and easily accessible local presence.
- Links/Partnership with Private Sector. It is essential that local authorities forge robust links with other landlords in their area and develop mechanisms by which individuals can access advice and assistance when subject to anti-social behaviour.

DRUG PRESCRIPTION AND DRUG POLICY REFORMS

Switzerland

In the early 1990's Switzerland began experiencing large open drug scenes in larger urban areas and a concentration of street crime in core 'problem areas' [263].

In response to a high level of acquisitive street crime, the 'needle parks' in large cities were closed and heroin prescription was given to a subgroup of addicts who were resistant to methadone as well as methadone prescription to a larger group.

Several studies conducted found positive short-term outcomes such as street crime reductions of 50% from surveys, police data and self-report[264]. However, Ribeaud conducted a long-term study on the outcomes of heroin prescription and found results of a large drop in crime committed by addicts (more so the addicts who received heroin than the methadone recipients) as well as a reduction in the concentration of addicted people in urban areas. Using large sample, long-term research Ribeaud also found a reduction in acquisitive crime and also a reduction in long-term heroin and other drug use[265].

North American Opiate Medications Initiative (NAOMI) [266]

Vancouver will soon undergo a heroin prescription trial. This program is funded by the Canadian Institute of Health Research (CIHR) and will provide injectable pharmaceutical-grade heroin to 88 injection drug users. The 21-month study is also being conducted in Toronto and Montreal, and will test whether heroin is more effective than methadone in helping chronic users who are not responding to conventional treatment options.

Overall Trends:

- Co-ordinated information systems that allow for information sharing between and within systems are needed.
- Community involvement is a means of crime reduction and is a means to regaining public confidence in the justice system.
- The justice system needs an 'End to End' focus where multiple supports are in place for offenders at different stages and with different needs (PPO, community courts).
- Programs and interventions must be developed to reflect local needs and resources.
- The implementation of a 'battery' of interventions that require several service partners/ stakeholders is required in order to manage the complex causes of street crime.

This report has attempted to explore the questions regarding the view of Vancouver's street crime, what its causes are, who commits it and what other jurisdictions are doing to better manage their own experience of it. We have examined both environmental and personal risk factors that may predispose certain populations and individuals for criminality and looked at how certain groups through their experience of these risk factors become overly criminalized. Through the identification of themes found in many the sections, salient concepts have been identified and summarized. Further research is required in the area of street crime specifically, as well as the issues of the criminalization of certain marginalized populations. These issues must be researched specifically in the context of the Vancouver environment as much of the data we have is not specific to this issue. What we do know is that the issue of street crime in Vancouver is not simply a matter of the justice system working harder. It is a complex, localised issue that arises from many origins and requires integrated, innovative responses that utilise and build on the strengths of the Vancouver community and the stakeholders involved.

Appendix 1

STREET CRIME/STREET DISORDER OFFENCES [267]

(Offences for which stats were obtained)

CATEGORY 4 OFFENCES ONLY:

- Causing a Disturbance – s. 175
- Theft Under $5000 - includes theft of auto, theft from auto, shoplifting and other thefts (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim) – section 334(b)
- Steals/Forges/Falsifies/Possesses/Uses Credit Card where amounts are under $5000 – s. 342(1)

- PSP Under $5000 - includes psp of auto, psp from auto (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim) – Section 355(b)
- False Pretences Under $5000 – s. 362(2)(b)
- Fraud Under $5000 – s. 380(1)(b)
  - Mischief Under $5000 – s. 430(4)

CATEGORY 4 OFFENCES COMBINED WITH THE FOLLOWING CATEGORY 2 AND 3 OFFENCES:

- Assault – s. 266 (except for VAWIR)
- Robbery – s. 344(b) – only low level street robberies (i.e. assault and theft)
- Utter Threats – s. 264.1(1)(a) (except for VAWIR)
- Prostitution/Communication – s. 213(c)
- Theft Over $5000 – s. 334(a) (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim)
- PSP Over $5000 – s. 355(a) (excludes public funds, public documents, internal theft, a scheme of organized criminal activity, position of trust or a vulnerable victim)
- Take MV W/O Owner's Consent – s. 335
- B&E of commercial property – s. 348(1)(a) & (b)
- Possession of B&E tools – s. 351(1)
- Possession of B&E instruments for coin operated device – s. 352
- Food/Accommodation Fraud – s. 364(1)
- Utter forged document – s. 368
- Breach of Probation – s. 733.1
- Breach of UTA/Recog/etc.- s. 145(3)
- FTA – s. 145(5)

THE FOLLOWING DRUG OFFENCES:

- Simple possession – s. 4(1)
- Trafficking - s. 5(1)
  - Possession for the purpose of trafficking - s. 5(2)

Note: the intention was to try and obtain the stats for lower level trafficking and possession but there was no way to obtain this breakdown. As a result, the stats for the drug offences include all offences relating to these sections.

THE FOLLOWING DISORDERLY BEHAVIOUR OFFENCES:

- sections 182 and 189 *Motor Vehicle Act* – this is the section that is used regarding squeegee offences.

- Sections 9(2) and 9(3.1) of the *Greater Vancouver Transit Conduct and Safety Regulation* – which relate to transit disorderly offences.

Appendix 2

Canadians' reported confidence in public institutions can be observed below.

Table 2. Confidence in selected public institutions

	A great deal of confidence	Quite a lot of confidence	Not very much confidence	No Confidence at all
Police	35%	48%	11%	2%
Local Business	19%	61%	11%	1%
Banks	19%	49%	21%	6%
Health Care system	19%	58%	24%	4%
Educational System	17%	48%	21%	3%
Justice System	14%	43%	27%	7%
Corporations	8%	38%	33%	10%
Parliment	8%	35%	35%	10%
Welfare System	9%	32%	29%	9%

Note: percentages rounded and excludes "don't know" responses, therefore rows may not sum to 100%. Source: Statistics Canada (2003)

As can be observed below, British Columbians reported the lowest confidence in the justice system and with many other public institutions.

Table 2. Regional Variation in Confidence in Public Institutions

	Justice system	Health Care system	Education system	Welfare system
Newfoundland	62%	63%	72%	38%
P.E.I.	63%	68%	76%	40%
Nova Scotia	59%	63%	62%	34%
New Brunswick	66%	71%	67%	42%
Quebec	65%	64%	78%	74%
Ontario	57%	69%	58%	33%
Manitoba	46%	62%	66%	32%
Saskatchewan	51%	65%	75%	29%
Alberta	51%	64%	62%	34%
British Columbia	50%	56%	59%	31%
Range	16%	18%	20%	35%

Source: statistics Canada (2003) International Comparison (Canada and United states)

References

Anderson, D. (1998). *Street Outreach Services: A Partnership Between the Police and the Midtown Community Court*. Center for Court Innovation. New York.

Arrigo, B. (2001). Transcarceration: A Constitutive Ethnography of Mentally Ill "Offenders". *The Prison Journal*, 81(2), 162-186.

Berman and Feinblatt (2001). *Problem Solving Courts: A Brief Primer*. NY. New York: Center for Court Innovation.

Bland, R. et. al, (1990). Prevalence of Psychiatric Disorders and Suicide Attempts in a Prison Population. *Canadian Journal of Psychiatry*, 35, 407-413.

Boland, F.J., Burrell, R., Duwyn, M., & Karp J. (1998). *Fetal Alcohol Syndrome: Implications for Correctional Service*. Correctional Service Canada.

Budd, T. and Sims, L. (2001). *Antisocial Behaviour and Disorder: Findings from the 2000 BCS*. Home Office.

Carrado, R. et al. (2000), Diagnosing Mental Disorders in Offenders: Conceptual and Methodological Issues. *Criminal Behaviour and Mental Health*, 10, 29-39.

Casey, P. M. and David B. Rottman. (2003). *Problem Solving Courts: Models and Trends*. National Center for State Courts.

City of Vancouver, 2003. *Unpublished Report*. City Plans Division. July 2003.

City of Vancouver (2004). Downtown Eastside: *Community Statistics*.
http://www.city.vancouver.bc.ca/community_profiles/downtown_eastside/statistics.htm
Accessed: 27/09/2004

Conry, J., & D.K. Fast, (2000). *Fetal Alcohol Syndrome and the Criminal Justice System*. Maple Ridge: British Columbia Fetal Alcohol Syndrome Resource Society.

Council of State Governments. (2002). *Criminal Justice/Mental Health Consensus Project*. New York: Council of State Governments.

Crimereduction.gov.uk. (2004). *The prolific and other offenders priority strategy*.
http://www.crimereduction.gov.uk/ppo.htm

Desjardins, N. & Hotton, T. (2004). *Trends in Drug Offences and the role of Alcohol and Drugs in Crime*. Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24. no. 1.

Ekos Research, (2004). *Canadian Attitudes Towards Crime Prevention: Final Integrated Report.* Report for the Department of Justice Canada. Ottawa: Ekos Research.

Ditton, P.M. (1999). *Mental Health and Treatment of Inmates and Probationers.* (Bureau of Justice Statistics, (NCJ-174463). Washington, D.C.: U.S. Department of Justice.
Available: **http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf**

Fast, D.K., J.L. Conry, & C.A. Lock, (1999). Identifying fetal alcohol syndrome among youth in the criminal justice system. *Journal of Developmental and Behavioural Paediatrics*, 20, (5), 370-372.

Fedorowycz, O. (2004). *Breaking and Entering in Canada 2002.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24, no. 5.

Feinblatt, J., Berman, G., & Sviridoff, M. (1998). *Neighborhood justice: Lessons from the Midtown community court.* New York, NY: Center for Court Innovation.

Fitzgerald, R., Wisener, M. and J. Savoie, (2004). *Neighbourhood characteristics and the distribution of crime in Winnipeg.* Ottawa: Canadian Centre for Justice Statistics, Statistics Canada. Crime and Justice Research Paper Series. Cat. No. 85-561-MIE-004.

Fox, A., & Wolf, R. (2004) *The Future of Drug Courts: How States are Mainstreaming the Drug Court Model.* New York, NY: Center for Court Innovation.

Gaetz, S. Safe Streets for Whom? (2004). Homeless Youth, Social Exclusion, and Criminal Victimization. *Canadian Journal of Criminology and Criminal Justice* v. 46 no. 4 part i.e.3 (July 2004) p. 423-55.

Home Office. (2002). *Delivering the Street Crime Initiative.* London: Home Office.
Online at: **http://www.crimereduction.gov.uk/scat2ppship.pdf**

Jobes, P. (2004). *The Use of Multiple Social Services Among Chronically Offending Youth.* Australian Criminology Research Council.

Kiefl, George. (1999a) *Best Practices and Lessons Learned: Multidisciplinary and Integrated Justice Projects.* Department of Justice Canada, Research and Statistics Division, WD1999-2e.
----------------. (1999b) Multidisciplinary Approaches to Justice: A Compilation of Projects. Department of Justice Canada, Research and Statistics Division, TR1999-2e.

Killias, M., Lamon, P., & Aebi, M. (2004). Switzerland. In D. Farrington, P. Langan, & M Tonroy (Eds.) *Cross National Studies in Crime and Justice.* U.S. Department of Justice.

Lee, E. (2002). *Community courts: An evolving model.* Washington, DC: Bureau of Justice Assistance. (NCJ 183452) Available online: **http://www.ncjrs.org/pdffiles1/bja/183452.pdf**

Lynch, A., & Motika, S., (2004). *Youth Accountability Boards.* New York, NY: Center for Court Innovation.

Main St. Provincial Crown Counsel and Support Staff (2004). *Summary of input Received from Main Street Provincial Crown Counsel & Support Staff.* Vancouver. Street Crime Working Group.
Makkai, T., Ratcliffe, J., Veraar, K., & Collins L. (2004). *ACT Recidivist Offenders.*
Research and public policy series, no. 54, Canberra: Australian Institute of Criminology.

McCarthy, B. & Hagan, J. (1996). Getting into Street Crime: the Structure and Process of Criminal Embeddedness. *Social Science Research*, 24: 63-95.

Minnesota, (2001) Chronic Offenders. St. Paul: Office of the Legislative Auditor, Program Evaluation Division, (HV6049 .Y86).

Moore, T. & Green, M. (2004). Fetal Alcohol Spectrum Disorder (FASD): A need for a closer examination by the Criminal Justice System. *Criminal Reports.* Vol.19, July 2004, 99-108.

Morton, J., (2004). *New Community Justice Center in England.* From:
http://restorativejustice.org/rj3/Feature/2004/December/liverpool.htm

Motiuk, L., Boe, R., & Nafekh, M. (2002). *The Safe Return of Offenders to the Community.* Correctional Service Canada. Online at: **http://www.csc-scc.gc.ca/text/faits/facts08-02_e.shtml**

Motiuk, L. & Porporino, F. (1991). *The Prevalence, Nature and Severity of Mental Health Problems among Federal Male Inmates in Canadian Penitentiaries.* Correctional Service Canada.
Online at: **http://www.csc-scc.gc.ca/text/rsrch/reports/r24/r24e_e.shtml**

Motivation, Power & Achievement Society. (2004). *Court Statistics Project Report for June, July, August, September*, Vancouver.Vancouver.

Pernanen, K., Cousineau, M., Brochu, S. & Sun, F. (2002). *Proportion of crimes associated with alcohol and other drugs in Canada.* Canadian Centre on Substance Abuse.
Online at: www.ccsa.ca/docs/crime2002.pdf

Peters, R.H., & Hills, H. (1997). *Intervention strategies for offenders with co-occurring disorders: What works?* Delmar N.Y: The National GAINS Center.
Available: **http://www.prainc.com/gains/publications/intervention.htm**

Rempel, M. et al. (2003). *The New York State Adult Drug Court Evaluation: Policies, Participants and Impacts.* New York, NY: Center for Court Innovation.

Ribeaud, D. (2004). Long term impacts of the Swiss Heroin prescription trials on crime of treated heroin users. *Journal of Drug Issues.* 022 (0426), 163-194.

Roberts, J. V. (2004). *Public confidence in criminal justice: A review of recent trends.* (User Report 2004-05). Ottawa: Public Safety and Emergency Preparedness Canada.

Scottish Executive. (2004). *Re:duce, Re:habilitate, Re;form*. Edinburgh. Scottish Executive. **http://www.scotland.gov.uk/consultations/justice/rrrafg.pdf**

St. John Mental Health Court, (2004). *Semi-Annual Report*. St. John Mental Health Court. St. John, New Brunswick.

Statistics Canada (2001a). *A Profile of Criminal Victimization: Results from the 1999 General Social Survey*. Catalogue No. 85-553-XIE. Ottawa: Minister Responsible for Statistics Canada.

Statistics Canada. (2001b). *Aboriginal Peoples in Canada*. Catalogue No. 85F0033MIE. Ottawa: Minister Responsible for Statistics Canada.

Statistics Canada (2003) *General Social Survey Tables*. Ottawa: Statistics Canada.

Statistics Canada. (2004). *Canadian Crime Statistics 2003*. Catalogue No.85-205-XIE. Ottawa: Minister Responsible for Statistics Canada.

Streissguth, A., Barr, H., Kogan, J. & Bookstein, F. (1996) *Understanding the occurrence of secondary disabilities in clients with fetal alcohol syndrome (FAS) and fetal alcohol effects (FAE)*. Final report to the Centers for Disease Control and Prevention. Seattle: University of Washington School of Medicine.

Teplin L. (1991). *The criminalization hypothesis: myth, misnomer, or management strategy*. In: Shah SA, Sales BD, (Eds). Law and mental health: major developments and research needs. Rockville (MD): US Department of Health and Human Services; p. 149 -83.

Thomas, M, Hurley, H & Grimes, C. (2002). *Pilot analysis of recidivism among convicted youth and young adults - 1999/00*. Canadian Centre for Justice Statistics, Juristat, v. 22 no. 9.

Torrey, E. (1995). Jails or Prisons: America's New Mental Hospitals. *American Journal of public Health*, 85, 1611-1613.

Tremblay, S. (1999). *Illicit Drugs and Crime in Canada*, Juristat 19: 1-14. Statistics Canada.

University of Victoria, (2004). *North American Opiate Medications Initiative*. **http://www.carbc.uvic.ca/events.htm**

Vancouver Police Department. (2004). *Quarterly Statistical Report. Vancouver Police Department.*

Waller, I., & Sansfaçon, D. (2000). *Investing Wisely in Crime Prevention: International Experiences*. Washington, DC: Bureau of Justice Assistance, pp. 20.

Wolfgang, ME, Figlio, RM & Sellin, T (1972). *Delinquency in a birth cohort*. University of Chicago Press, Chicago

Verbrugge, P. (2003). *Fetal Alcohol Spectrum Disorder and the Youth Criminal Justice System: A Discussion Paper.* Department of Justice Canada.
Online at: **http://canada.justice.gc.ca/en/ps/rs/rep/rr03yj-6/rr03yj-6_01.html**

Zapf, P., Roesch, R., & Hart, S. (1996). An Examination of the Relationship of Homelessness to Mental Disorder, Criminal Behaviour, and Health Care in a Pretrial Jail Population. *Canadian Journal of Psychiatry*, 41: 435-440.

End Notes

---

[1] Statistics Canada (2004).

[2] Vancouver Police Department (2005).

[3] Ibid.

[4] Ministry of Attorney General, Court Services Branch (2004).

[5] Vancouver Police Department. (2004/2005). Chronic Offenders Program,

[6] Wickstead, G. (2003). *Treadmill of Addiction.* Open Drug Use Survey and Criminal Case Study – A Snapshot of the Enforcement Pillar in Vancouver's Downtown Eastside.

[7] Vancouver Jail (2004). Health Care Statistics.

[8] Motivation, Power and Achievement Association. (2004). Court worker statistics for Vancouver Provincial Court.

[9] Statistics Canada. Housing, Family and Social Statistics Division (2004). 2003 General Social Survey on Social Engagement, cycle 17: an overview of findings. Minister of Industry.

[10] Statistics Canada (2003).

[11] Justice system personnel include police, Crown Counsel, Defence, judges, Courts, Parole, and Corrections.

[12] The Vancouver Agreement is a five year agreement between the three levels of government for the purpose of promoting and supporting sustainable economic, social, and community development in the city of Vancouver, with a focus on the Downtown Eastside. All three levels of government have expressed interest in renewing the agreement, which expires in March 2005.

[13] Motiuk, L., Boe, R., & Nafekh, M. (2002). *The Safe Return of Offenders to the Community.* Correctional Service Canada.

[14] Statistics Canada. (2004). Canadian Crime Statistics 2003. Catalogue No.85-205-XIE. Ottawa: Minister Responsible for Statistics Canada.

[15] Statistics Canada (2001a). *A Profile of Criminal Victimization: Results from the 1999 General Social Survey.* Catalogue No. 85-553-XIE. Ottawa: Minister Responsible for Statistics Canada.

[16] Tremblay, S. (1999). *Illicit Drugs and Crime in Canada,* Juristat 19: 1-14. Statistics Canada.

[17] Ibid.

[18] Statistics Canada (2004).

[19] Ibid.

[20] Statistics Canada (2001a).

[21] Vancouver Police Department. (2004). *Quarterly Statistical Report.* Vancouver Police Department.

[22] Statistics Canada (2004).

[23] Ibid.

[24] Desjardins, N. & Hotton, T. (2004). *Trends in Drug Offences and the role of Alcohol and Drugs in Crime.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24. no. 1.

[25] Statistics Canada. Housing, Family and Social Statistics Division (2004). 2003 General Social Survey on Social Engagement, cycle 17: an overview of findings. Minister of Industry.

[26] Statistics Canada (2003).

[27] Statistics Canada (2001a)

[28] See: Moore & Trojanowicz as cited in Statistics Canada 2001a; McGarrell et al, 1999 as cited in Statistics Canada, 2001a

[29] The list of street crimes and disorderly behaviours was derived from Category 4 and select Category 2 and 3 offences identified by the street Crime Working Group. See Appendix 1 of Needs Assessment (Appendix A) for list of offences for which data was collected.

[30] Vancouver Police Department, 2004.

[31] Calls regarding a "person annoying" typically do not refer to a criminal act. It generally refers to a person whose behaviour or actions are disturbing others. This could include someone who is loitering, aggressively begging, intimidating, or otherwise disturbing another person.

[33] Vancouver Police Department, Crime Analysis Unit. (2004) Crime Index Reports for 2002, 2003 and January, February, and March 2004.

[34] These concerns were identifies by the SCWG consultations. For details, see Needs Assessment, attached as Appendix A.

[35] Bengtson Market Research Ltd. (May 2004) Downtown Vancouver Business Improvement Association Final Report 2004 General Public Survey.

[36] Bengtson Market Research Ltd. (April 2004) Downtown Vancouver Business Improvement Association Final Report 2004 Membership Survey.

[37] Aggressive Solicitation is defined as an action that would lead a person to fear for their safety (such as aggressively following people while asking them for money). A Captive Audience Solicitation would include approaching a person while they are at a bus stop, an ATM (bank machine), or while a person is sitting in a car at a stop light.

[38] This is complicated by the fact that the criminal justice system does not consistently identify offenders by race or colour.

[39] Save the Children Canada (2000). *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out About Sexual Exploitation.* National Aboriginal Consultation Project.

[40] *The Vancouver Sun.* SkyTrain creates 'crime hot spots'. p. B1 October 27, 2004.

[41] Vancouver Police Department, Crime Analysis Unit, 2004.

[42] Desjardins, N. & Hotton, T. (2004). *Trends in Drug Offences and the role of Alcohol and Drugs in Crime.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24. no. 1.

[43] Ibid

[44] Ibid

[45] Pernanen, K., Cousineau, M., Brochu, S. & Sun, F. (2002). *Proportion of crimes associated with alcohol and other drugs in Canada.* Canadian Centre on Substance Abuse.

[46] Fitzgerald, R., Wisener, M. & J. Savoie, (2004). *Neighbourhood characteristics and the distribution of crime in Winnipeg.* Ottawa: Canadian Centre for Justice Statistics, Statistics Canada. Crime and Justice Research Paper Series. Cat. No. 85-561-MIE-004.

[47] BC Ministry of Attorney General Court Services Branch. (2004) Cross Branch Street Crime Data.

[48] BC Ministry of Attorney General Court Services Branch. (2004) Cross Branch Street Crime Data.

[49] BC Ministry of Attorney General Corrections Branch (1999) Community Corrections Strategies for the Future

[50] Wickstead, G. (2003) *Treadmill of Addiction.* Open Drug Use Survey and Criminal Case Study – A Snapshot of the Enforcement Pillar in Vancouver's Downtown Eastside.

[51] Wickstead, G. (2003) *Treadmill of Addiction.* Open Drug Use Survey and Criminal Case Study – A Snapshot of the Enforcement Pillar in Vancouver's Downtown Eastside.

[52] Motivation, Power and Achievement Society, (2004). *Court Statistics Project Report for June, July, August, September,* Vancouver. Court workers attended Vancouver Provincial Court on 76 out of 85 court days in this four month period.

[53] McCarthy, B. & Hagan, J. (1996). Getting into Street Crime: the Structure and Process of Criminal Embeddedness. *Social Science Research,* 24: 63-95.

[54] Zapf, P., Roesch, R., & Hart, S. (1996). An Examination of the Relationship of Homelessness to Mental Disorder, Criminal Behaviour, and Health Care in a Pretrial Jail Population. *Canadian Journal of Psychiatry,* 41: 435-440.

[55] See Attachment 1 for list of offences

[56] The Working Group's focus is on the Downtown Peninsula, Downtown Core, and Downtown Eastside, East to Clark Drive.

[57] Statistics Canada. (2004). *Canadian Crime Statistics 2003.* Catalogue No.85-205-XIE. Ottawa: Minister Responsible for Statistics Canada.

[58] Desjardins, N. & Hotton, T. (2004). *Trends in Drug Offences and the role of Alcohol and Drugs in Crime.* Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24. no. 1.

[59] Fedorowycz, O. (2004). *Breaking and Entering in Canada 2002.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24, no. 5.

[60] Calls for service are received by ECOMM, the police dispatch system. Calls are from police and from the general public.

[61] Vancouver Police Department defines District 1 as the area encompassing the West End, Yaletown, Central Business District, and a portion of the Downtown Eastside (East to Main Street). District 2 encompasses the Downtown Eastside East of Main Street, Strathcona, Grandview/Woodlands and Hastings/Sunrise.

[62] Frequency and types of calls for service may vary from month to month, but police estimate that this trend in calls for service in Districts 1 and 2 has been consistent throughout 2003 and 2004.

[63] Calls regarding a "person annoying" typically do not refer to a criminal act. It generally refers to a person whose behaviour or actions are disturbing others. This could include someone who is loitering, aggressively begging, intimidating, or otherwise disturbing another person.

[64] Vancouver Police Department, Planning and Research Section. (2004). *Quarterly Statistical Report October to December 2003.*

[65] Bengtson Market Research Ltd. (May 2004). *Downtown Vancouver Business Improvement Association Final Report General Public Survey.*

[66] Vancouver Sun. (October 27,2004) *SkyTrain Creates 'crime hot spots'.* p. B1

[67] Bengtson Market Research Ltd. (April 2004). Downtown Vancouver Business Improvement Association Final Report 2004 Membership Survey.

[68] SCWG Consultation with the Centre for Gays, Lesbians, Trans-gendered and Bisexual People: West End. (2005).

[69] As of June 2002, Vancouver Provincial Court includes adult cases from Burnaby, which is outside of the Street Crime Working Group's target area.

[70] For the purpose of this needs assessment, youth are defined consistent with the Criminal Code of Canada definition, which includes young people between the ages of 12 and 17 inclusive.

[71] As of June 2002, Robson Square data included cases from Burnaby, which is outside of the Street Crime Working Group's target area.

[72] British Columbia Ministry of Attorney General, Corrections Branch. (1999). *Community Corrections: Strategies for the Future*

[73] Vancouver Police Department. (2004/2005). Chronic Offenders Program Lifestyle Interviews 2004 and 2005.

[74] Vancouver Coastal Health Authority (2004). Personal communication with a representative of the Vancouver Coastal Health Authority.

[75] Wickstead, G. (2003). *Treadmill of Addiction.* Open Drug Use Survey and Criminal Case Study – A Snapshot of the Enforcement Pillar in Vancouver's Downtown Eastside.

[76] Vancouver Jail (2004). Health Care Statistics.

[77] Vancouver Coastal Health Authority (2004). Personal communication with a representative of the Vancouver Coastal Health Authority.

[78] Ministry of Public Safety and Solicitor General, Corrections Branch, Community Corrections Division (January 2005).

[79] Fast, D.K., J.L. Conry, & C.A. Lock. (1999). *Identifying fetal alcohol syndrome among youth in the criminal justice system.* Journal of Developmental and Behavioural Paediatrics, 20, (5), 370-372.

[80] Motivation, Power and Achievement Association. Courtworker statistics for Vancouver Court June to September 2004

[81] Court workers attended Vancouver Provincial Court on 76 out of 85 court days in this four month period.

[82] A court worker can provide assistance to one client multiple times. Assistance includes visits in custody; referrals for human resources, housing or counseling; help with completion of legal aid applications; acting as an intermediary with lawyers; out of custody counseling; speaking in court and other actions that would help the client navigate his or her way through the court system.

[83] Ministry of Attorney General, Criminal Justice Branch (2004).

[84] Ministry of Attorney General, Court Services Branch (2004). A court case is defined as a single information per accused person and could include one or more charges. A case will fall within a particular group of offences based on the most serious charge associated that case.

[85] Each charge, or guilty finding, could have one or more sentences associated with it.

[86] The data represents the number of days elapsed between the date the information is sworn and the conclusion date on a concluded case.

[87] The vast majority of cases are concluded by means other than a trial (e.g. a guilty plea).

[88] The Vancouver Police Department Chronic Offender Program began to identify chronic offenders on June 28, 2004.

[89] Since this consultation, the Vancouver Drug Treatment Court now deals with some provincially prosecuted offences where the accused has indicated an intention to enter a guilty plea and the accused meets specified criteria.

[90] For the purposes of this analysis, youth is defined as a young person between the ages of 12 and 17 (under 18).

[91] Statistics Canada. (2001). *A Profile of Criminal Victimization: Results from the 1999 General Social Survey.* Catalogue No. 85-553-XIE. Ottawa: Minister Responsible for Statistics Canada.

[92] Diversion refers to all cases which are "diverted" from the traditional adversarial justice system, whether formally or informally. Alternative Measures is the term used for formal diversions which are codified in section 717 of the Criminal Code of Canada. Referrals are made by Crown Counsel and, unlike informal diversion programs, alternative measures have the ability to prosecute an offender for non-compliance.

[93] Elliot, E. (2004). *Review of the Implementation of the Youth Restorative Justice Conferencing Program.* Ministry of Children and Family Development.

[94] Statistics Canada. (1996). Census of Population.

[95] Department of Justice Canada. (1998/99). Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

[96] Statistics Canada. (1996). Census of Population.

[97] Department of Justice Canada. (1998/99.) Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

[98] There are many possible explanations for this apparent contradiction. For example, perhaps more Aboriginal people are being diverted from the courts; the Vancouver Provincial Court at Main Street deals with a small geographic area as opposed to the Statistics Canada data which deals with all of Canada; or there may be other explanations.

[99] Save the Children Canada. (2000). *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out About Sexual Exploitation.* National Aboriginal Consultation Project. British Columbia Ministry of Health and Ministry Responsible for Seniors. (2000). Sexual Exploitation of Youth in British Columbia.

[100] City of Vancouver, Housing Centre. (November 2004). *Homeless Action Plan Draft.*

[101] This list was prepared prior to the enactment of the *Safe Streets Act* and does not include offences under the Act.

[102] Home Office. (2002). *Delivering the Street Crime Initiative.* Home Office.
Online at: http://www.crimereduction.gov.uk/scat2ppship.pdf

[103] Budd, T. and Sims, L. (2001). *Antisocial Behaviour and Disorder: Findings from the 2000 BCS.* Home Office.

[104] See *Appendix 1* for a complete list of the offences that the Street Crime Working Group considers to be street crime.

[105] This information was gathered from SCWG consultations conducted with members of the Vancouver community including an Aboriginal Focus Group, Addicted Clients/Consumers, Main Street Provincial Crown Counsel & Support Staff, Yaletown Residents Association, The Canadian Bar Association, the Chinatown Business Community and Cultural Community Representatives (2005), and Public Forums (2004).

[106] Chinatown Business Community and Cultural Community Representatives (2005).

[107] Street Crime Working Group Consultation with Main St. Provincial Crown Counsel and Support Staff, May and June 2004.

[108] See: Ekos Research, (2004). *Canadian Attitudes Towards Crime Prevention: Final Integrated Report. Report for the Department of Justice Canada.* Ottawa: Ekos Research; Roberts, J. V. (2004). *Public confidence in criminal justice: A review of recent trends.* (User Report 2004-05). Ottawa: Public Safety and Emergency Preparedness Canada.

[109] Ibid.

[110] Street Crime Working Group Street Crime Forum, June 2003.

[111] Street Crime Working Group Consultation with Vancouver Police Department, January 2005.

[112] Street Crime Working Group Consultation with Main St. Provincial Crown Counsel and Support Staff, May and June 2004.

[113] Street Crime Working Group Consultation with Clients with Addictions Issues, November, 2004.

[114] Vancouver Police Department Chronic Offender Program. 'Lifestyle' Interviews, 2005.

[115] Street Crime Working Group Consultation with Chinatown Business and Cultural Community Representatives, (2005).

[116] Ibid.

[117] Ekos Research, (2004).

[118] Ibid.

[119] Statistics Canada. Housing, Family and Social Statistics Division (2004). 2003 General Social Survey on Social Engagement, cycle 17: an overview of findings. Minister of Industry.

[120] Roberts, J. V. (2004). *Public confidence in criminal justice: A review of recent trends.* (User Report 2004-05). Ottawa: Public Safety and Emergency Preparedness Canada.

[121] Ibid.

[122] Ibid.

[123] ibid.

[124] ibid.

[125] ibid.

[126] Statistics Canada (2001a). *A Profile of Criminal Victimization: Results from the 1999 General Social Survey.* Catalogue No. 85-553-XIE. Ottawa: Minister Responsible for Statistics Canada.

[127] Ibid.

[128] Statistics Canada. (2004). *Canadian Crime Statistics 2003.* Catalogue No.85-205-XIE. Ottawa: Minister Responsible for Statistics Canada.

[129] Statistics Canada (2001a).

[130] (as cited in Statistics Canada, 2001a)

[131] ibid.

[132] (McGarrell et al., 1999 as cited in Statistics Canada, 2001a)

[133] Motiuk, L., Boe, R., & Nafekh, M. (2002). *The Safe Return of Offenders to the Community.* Correctional Service Canada.

[134] Statistics Canada. (2004).

[135] Statistics Canada (2001a).

[136] Ibid.

[137] Fedorowycz, O. (2004). Breaking and Entering in Canada 2002. Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24, no. 5.

[138] Tremblay, S. (1999). *Illicit Drugs and Crime in Canada.* Juristat 19: 1-14. Statistics Canada.

[139] Statistics Canada. (2004).

[140] Ibid.

[141] Statistics Canada (2001a).

[142] Vancouver Police Department. (2004). *Quarterly Statistical Report*. Vancouver Police Department.

[143] Statistics Canada. (2004).

[144] Desjardins, N. & Hotton, T. (2004). *Trends in Drug Offences and the role of Alcohol and Drugs in Crime.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24. no. 1.

[145] Fitzgerald, R., Wisener, M. and J. Savoie. (2004). *Neighbourhood characteristics and the distribution of crime in Winnipeg.* Ottawa: Canadian Centre for Justice Statistics, Statistics Canada. Crime and Justice Research Paper Series. Cat. No. 85-561-MIE-004.

[146] Fitzgerald, Wisener, & Savoie. (2004).

[147] Street Crime Working Group Consultation with Main St. Provincial Crown Counsel and Support Staff, May and June 2004; Chinatown Business Community and Cultural Community Representatives (2005).

[148] Ibid.

[149] Street Crime Working Group Street Crime Forum, June 2003.

[150] Ibid.

[151] (Source: City of Vancouver, 2004; Fitzgerald, Wisener, & Savoie, 2004)

[152] Desjardins, N. & Hotton, T. (2004).

[153] Ibid.

[154] Waller, I., & Sansfaçon, D. (2000), p. 20.

[155] (See Jobes, 2004; Waller & Sansfaçon, 2000).

[156] Waller, I., & Sansfaçon, D. (2000).

[157] Wolfgang, ME, Figlio, RM & Sellin, T (1972). *Delinquency in a birth cohort*. University of Chicago Press, Chicago.

[158] Thomas, M, Hurley, H & Grimes, C. (2002). *Pilot analysis of recidivism among convicted youth and young adults - 1999/00.* Canadian Centre for Justice Statistics, Juristat, v. 22 no. 9.

[159] Makkai, T., Ratcliffe, J., Veraar, K., & Collins L. (2004). *ACT Recidivist Offenders*. Research and public policy series, no. 54, Canberra: Australian Institute of Criminology.

[160] Thomas, M., Hurley, H & Grimes, C. (2002).

[161] Statistics Canada. (2004).

[162] Statistics Canada (2001a).

[163] Jobes, P. (2004). *The Use of Multiple Social Services Among Chronically Offending Youth*. Australian Criminology Research Council.

[164] Gaetz, S. Safe Streets for Whom? (2004). Homeless Youth, Social Exclusion, and Criminal Victimization. *Canadian Journal of Criminology and Criminal Justice* v. 46 no. 4 part i.e.3 (July 2004) p. 423-55.

[165] Thomas, M., Hurley, H. & Grimes, C. (2002).

[166] Fedorowycz, O. (2004). *Breaking and Entering in Canada 2002.* Catalogue no. 85-002-XPE. Canadian Centre for Justice Statistics. Ottawa: Ministry of Industry. Vol. 24, no. 5.

[167] Ibid.

[168] Crimereduction.gov.uk. (2004). *The prolific and other offenders priority strategy*. http://www.crimereduction.gov.uk/ppo.htm

[169] Desjardins, N. & Hotton, T. (2004).

[170] Pernanen, K., Cousineau, M., Brochu, S. & Sun, F. (2002). *Proportion of crimes associated with alcohol and other drugs in Canada*. Canadian Centre on Substance Abuse. Online at: www.ccsa.ca/docs/crime2002.pdf

[171] (See: Desjardins & Hotton, 2004)

[172] ibid.

[173] Jobes, P. (2004).

[174] (See Pernanen et. al. 2002)

[175] ibid.

[176] ibid.

[177] ibid, p.116.

[178] (See: Desjardins & Hotton, 2004)

[179] Street Crime Working Group Consultation with Main St. Provincial Crown Counsel and Support Staff, May and June 2004.

[180] Street Crime Working Group Consultation with Clients with Addiction Issues, November, 2004.

[181] Torrey, E. (1995). Jails or Prisons: America's New Mental Hospitals. *American Journal of public Health*, 85, 1611-1613.

[182] Arrigo, B. (2001). Transcarceration: A Constitutive Ethnography of Mentally Ill "Offenders". *The Prison Journal*, 81(2), 162-186.

[183] Motiuk, L. & Porporino, F. (1991). The Prevalence, Nature and Severity of Mental Health Problems among Federal Male Inmates in Canadian Penitentiaries. Correctional Service Canada.
Online at: http://www.csc-scc.gc.ca/text/rsrch/reports/r24/r24e_e.shtml

[184] Ibid.

[185] Bland, R. et. al, (1990). Prevalence of Psychiatric Disorders and Suicide Attempts in a Prison Population. *Canadian Journal of Psychiatry*, 35, 407-413.

[186] Motiuk, L., Boe, R., & Nafekh, M. (2002). *The Safe Return of Offenders to the Community*. Correctional Service Canada.
Online at: **http://www.csc-scc.gc.ca/text/faits/facts08-02_e.shtml**

[187] Carrado, R. et al. (2000), Diagnosing Mental Disorders in Offenders: Conceptual and Methodological Issues. *Criminal Behaviour and Mental Health*, 10, 29-39.

[188] Teplin L. (1991). *The criminalization hypothesis: myth, misnomer, or management strategy.* In: Shah SA, Sales BD, (Eds). Law and mental health: major developments and research needs. Rockville (MD): US Department of Health and Human Services; p. 149 -83.

[189] Ditton, P.M. (1999). *Mental Health and Treatment of Inmates and Probationers.* (Bureau of Justice Statistics, (NCJ-174463). Washington, D.C.: U.S. Department of Justice. Available: http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf

[190] Motivation, Power and Achievement Society, *Quarterly Report*, June-September 2004.

[191] Zapf, P., Roesch, R., & Hart, S. (1996). An Examination of the Relationship of Homelessness to Mental Disorder, Criminal Behaviour, and Health Care in a Pretrial Jail Population. *Canadian Journal of Psychiatry*, 41: 435-440.

[192] ibid, p. 439.

[193] McCarthy, B. & Hagan, J. (1996). Getting into Street Crime: the Structure and Process of Criminal Embeddedness. *Social Science Research*, 24: 63-95.

[194] Ibid.

[195] Peters, R.H., & Hills, H. (1997). *Intervention strategies for offenders with co-occurring disorders: What works?*. Delmar N.Y: The National GAINS Center.

[196] Ibid.

[197] ibid.

[198] Street Crime Working Group Consultation with Main St. Provincial Crown Counsel and Support Staff, May and June 2004.

[199] Ibid.

[200] Street Crime Working Group Consultation with Chinatown Business Community and Cultural Community Representatives (2005); Street Crime Working Group Consultation with Mental Health Consumers (2005).

[201] Boland, F.J., Burrell, R., Duwyn, M., & Karp J. (1998). *Fetal Alcohol Syndrome: Implications for Correctional Service*. Correctional Service Canada.

[202] Ibid.

[203] ibid.

[204] Streissguth, A., Barr, H., Kogan, J. & Bookstein, F. (1996) *Understanding the occurrence of secondary disabilities in clients with fetal alcohol syndrome (FAS) and fetal alcohol effects (FAE).* Final report to the Centers for Disease Control and Prevention. Seattle: University of Washington School of Medicine.; Boland et al., 1998.

[205] Streissguth, A., Barr, H., Kogan, J. & Bookstein, F. (1996).

[206] Fast, D.K., J.L. Conry, & C.A. Lock, (1999). Identifying fetal alcohol syndrome among youth in the criminal justice system. *Journal of Developmental and Behavioural Paediatrics*, 20, (5), 370-372.

[207] Moore, T. & Green, M. (2004). Fetal Alcohol Spectrum Disorder (FASD): A need for a closer examination by the Criminal Justice System. *Criminal Reports.* Vol.19, July 2004, 99-108.

[208] Conry, J., & D.K. Fast, (2000). *Fetal Alcohol Syndrome and the Criminal Justice System*, Maple Ridge: British Columbia Fetal Alcohol Syndrome Resource Society.

[209] Fast, D.K., J.L. Conry, & C.A. Lock, (1999).

[210] Statistics Canada. (2001b). *Aboriginal Peoples in Canada.* Catalogue No. 85F0033MIE. Ottawa: Minister Responsible for Statistics Canada.

[211] Ibid.

[212] Kiefl, George. (1999a). *Best Practices and Lessons Learned: Multidisciplinary and Integrated Justice Projects.* Department of Justice Canada, Research and Statistics Division, WD1999-2e.

[213] Berman and Feinblatt (2001). *Problem Solving Courts: A Brief Primer.* NY. New York: Center for Court Innovation

[214] ibid.

[215] Casey, P. M. and David B. Rottman. (2003). Problem Solving Courts: Models and Trends. National Center for State Courts.

[216] Ibid.

[217] Berman and Feinblatt. (2001).

[218] Ibid.

[219] ibid.

[220] ibid.

[221] ibid.

[222] ibid.

[223] ibid.

[224] Casey and Rottman. (2003).

[225] Ibid.

[226] ibid.

[227] Lee, E. (2002). *Community courts: An evolving model.* Washington, DC: Bureau of Justice Assistance. (NCJ 183452)

[228] Ibid.

[229] ibid.

[230] ibid.

[231] ibid.

[232] ibid.

[233] ibid.

[234] Morton, J., (2004). *New Community Justice Center in England.*

[235] Feinblatt, J., Berman, G., & Sviridoff, M. (1998). *Neighborhood justice: Lessons from the Midtown community court.* New York, NY: Center for Court Innovation.

[236] Ibid.

[237] ibid.

[238] ibid.

[239] ibid.

[240] ibid.

[241] ibid.

[242] Anderson, D. (1998). *Street Outreach Services: A Partnership Between the Police and the Midtown Community Court.* Center for Court Innovation. New York.

[243] Casey, P. M. and David B. Rottman. (2003). *Problem Solving Courts: Models and Trends. National Center for State Courts.*

[244] ibid., p. 6.

[245] Fox, A., & Wolf, R. (2004). *The Future of Drug Courts: How States are Mainstreaming the Drug Court Model.* New York, NY: Center for Court Innovation.; Casey & Rottman, 2003.

[246] Rempel, M. et al. (2003). *The New York State Adult Drug Court Evaluation: Policies, Participants and Impacts.* New York, NY: Center for Court Innovation.

[247] Ibid.

[248] Casey & Rottman, (2003).

[249] St. John Mental Health Court, (2004). *St. John Mental Health Court: Semi-Annual Report.* St. John, New Brunswick.

[250] Lynch, A., & Motika, S., (2004). *Youth Accountability Boards.* New York, NY: Center for Court Innovation.

[251] Ministry of Public Safety and Solicitor General, (2004). Community Accountability Programs Information Package.

[252] In Verbrugge, P. (2003). *Fetal Alcohol Spectrum Disorder and the Youth Criminal Justice System: A Discussion Paper. Department of Justice Canada.*

[253] Makkai, T., Ratcliffe, J., Veraar, K., & Collins L. (2004). *ACT Recidivist Offenders.* Research and public policy series, no. 54, Canberra: Australian Institute of Criminology.

[254] Council of State Governments. (2002). *Criminal Justice/Mental Health Consensus Project.* New York: Council of State Governments.

[255] *Minnesota, (2001) Chronic Offenders.* St. Paul: Office of the Legislative Auditor, Program Evaluation Division, (HV6049.Y86 2001).

[256] Wolf, Robert V. & J. Worrall. (2004). *Lessons from the field: ten community prosecution leadership profiles.* Alexandria, VA: American Prosecutors Research Institute.

[257] Waller & Sansfaçon, (2000).

[258] Home Office, (2004).

[259] Crimereduction.gov.uk. (2004). *The prolific and other offenders priority strategy.* **http://www.crimereduction.gov.uk/ppo.htm**, or See: **http://www.crimereduction.gov.uk/ppo_g.doc, 2004**

[260] ibid.

[261] ibid.

[262] Scottish Executive. (2004). *Re:duce, Re:habilitate, Re:form. Edinburgh.* Scottish Executive. See: **http://www.scotland.gov.uk/consultations/justice/rrrafg.pdf**

[263] Killias, M., Lamon, P., & Aebi, M. (2004). Switzerland. In D. Farrington, P. Langan, & M Tonroy (Eds.) Cross National Studies in Crime and Justice. U.S. Department of Justice.

[264] Ibid.

[265] Ribeaud, D. (2004). Long term impacts of the Swiss Heroin prescription trials on crime of treated heroin users. *Journal of Drug Issues*. 022 (0426), 163-194.

[266] University of Victoria, (2004). North American Opiate Medications Initiative. **http://www.carbc.uvic.ca/events.htm**. See also: **http://www.ofcmhap.on.ca/addiction/north_american_opiate_medication.htm**

[267] This list was prepared prior to the enactment of the *Safe Streets Act* and does not include offences under the *Act*.